

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5017 of 2018

Jibachh Rai, son of Rasho Rai, resident of Village- Simiyahi, P.S. Sursand,
District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Administrative Department, Bihar, Patna
2. The District Magistrate, Sitamarhi
3. The Superintendent of Police, Sitamarhi
4. The Sub-Divisional Officer, Pupri, Sitamarhi
5. The Deputy Development Commissioner, Sitamarhi
6. The Executive Officer, North Bihar Power Distribution Co. Ltd. Sitamarhi
7. The Assistant Executive Officer (Electric Supply) Sub-division Sitamarhi
8. The S.D.O., Irrigation Department, Sitamarhi
9. The Block Development Officer, Sursand
10. The Officer-in-Charge, Sursand
11. Md. Izabul Ajabul Ansari, son of Md. Salim Ansari, resident of resident of Village- Simiyahi, P.S. Sursand, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar, Advocate
For the State	:	Mr. P.K. Verma, AAG-3
		Ms. Divya Verma, A.C. to AAG-3
For the Respondent	:	Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Vijay Kumar Verma, Advocate
		Mr. Akhileshwar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-04-2018

If the order passed under the Public Claim Redressal Scheme has not been fulfilled or complied with, a mandamus cannot be issued in a Public Interest Litigation under Article 226 of the Constitution because the Public Claim Redressal Scheme is not a statutory scheme. It is a welfare



scheme of the State Government enforced in the executive realm for convenience of the citizens and as it is not a statutory scheme, a Writ Court cannot enforce it by a mandamus. The petitioner should approach the authorities of the administration who may take action in the matter or hence in case the petitioner feels that any criminal offence has been committed by Respondent No. 11 he may take recourse to the remedy available under the Criminal Procedure Code.

With the aforesaid, finding no indulgence to be made in a Public Interest Litigation, which primarily seems to be a private dispute between the petitioner and Respondent No. 11, we are not inclined to interfere into the matter. The writ petition stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	05.04.2018
Transmission Date	

