

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10494 of 2010

Patna Nagrik Parishad (Society Registration No. 41 of 1994-95) through its Secretary, Arbind Kumar Sinha, S/O Late Sarbeshwar Prasad Sinha R/O Dariapur Gola, P.O. Bankipore, P.S. Gandhi Maidan, Distt-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government Of Bihar, Main Secretariat, Patna
2. Chief Minister, through the Principal Secretary, Chief Minister's Secretariat 4 Deshratna Marg, Patna
3. Law Minister, Bihar Through The Law Secretary Main Secretariat, Patna
4. Secretary, Law Department Government Of Bihar, Main Secretariat, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Vikash Kumar, SC 11.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 08-09-2020

Petitioner has prayed for the following relief(s):-

“A. Of testing the Constitutional validity of the Bihar Police Act 2007 (Act 7 of 2007, Bihar), on the grounds of its (A) having originated from a Penal Violation of the Constitution, (B) being opposed to the Public Interest pronounced by the Hon’ble Supreme Court, (B) Inception having been based on the desire of over-reaching the Public Interest relating to Police Reforms, pronounced by Hon’ble Supreme Court on 22/09/06, in Writ Petition (Civil) No. 310 of 1996 (Prakash Singh and others versus Union of India & Others) and also (C) having been drafted with the intention of defeating the order dated 11/01/07, passed in



the said case, in violation of the Constitutional compulsion imposed by provisions of Article 144 of the Constitution of India, which makes it binding on every Civil and Judicial Authority to act in Aid of the Supreme Court and

B. For setting aside the Bihar Police Act 2007 upon declaring it as Ultra-Vires to the Constitution of India, after holding it as Unconstitutional and based on Penal Violation (section 166 IPC) of Article 144, 372(1), 251 and 254 of the Constitution of India, after setting the questions of law, raised in paragraph number 2 of this writ application.

C. For the interim Relief of putting a Stay on the operation of Bihar Police Act 2007, during pendency of this instant writ application.”

Sri Vikash Kumar, learned counsel for the State, states that the issue involved in the writ petition already stands settled by Hon’ble Apex Court in (2019) 4 SCC 1, titled as Prakash Singh & Ors. Vs. Union of India & Ors.

We notice that present petition filed on 7.7.2010 was listed for hearing on 8th July, 2010 when the same was admitted. The Court Master informs that the link could not be sent to learned counsel for the petitioner for the reason that there is no registered E-mail I.D. or phone number available on which the link for hearing could be sent.

That apart, we find the present petition to have



become infructuous with the passage of time and it is, perhaps, for this reason that despite the matter having been reflected in the daily cause list, at least on two occasions, none has bothered or chosen to come forward to pursue the present matter. Also, we notice that the petition is filed through a registered society, to pursue the cause of a private individual and is not maintainable in its present form.

If any individual is aggrieved by any action of the State, it is open to him to take appropriate remedy in accordance with law. As is evident from the pleadings, the petitioner is aggrieved by non-conferment of certain benefits to police officers, who may otherwise be not entitled to the same as per the existing provisions of law.

Hence, for the aforesaid reason, we dispose of the present petition reserving liberty to the petitioner on any aggrieved part to approach either the authorities or this Court on the same and subsequent cause of action, if so required subsequently.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

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