

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16235 of 2019

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Narendra Kishore Sinha, S/o Late Nawal Kishore Sinha Residing at Mohalla Jag Jeevan Lane, Jagat Narayan Lal Road, Kadamkuan, PS Kadamkuan, Dist. Patna

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Health and Family Welfare, Govt. of India, New Delhi.
2. The Secretary Ministry of Health and Family Welfare, Govt. of India, New Delhi
3. The Director General of Health Services, Ministry of Health and Family Welfare, Govt. of India, New Delhi
4. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
5. The Principal Secretary, Department of Health and Family Welfare, Govt. of Bihar, Patna
6. The Director in Chief, Health Services, Govt. of Bihar, Patna
7. The Commissioner, Department of Health and Family Welfare, Govt. of Bihar, Patna
8. The Civil Surgeon Patna
9. The District Magistrate-cum-Collector, Patna Dist. Patna
10. The Deputy Collector Land Reforms, Patna Dist. Patna
11. The Circle Officer, Punpun Anchal, Dist. Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anish Akhtar, Advocate
For the Respondent/s : Mr.S.D. Yadav (AAG-9)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2020

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

“1. (A) For considering setting up
a Community Health Centre in Punpun Block in



the District of Patna, Which is having a Population of approximately 2 lakhs at present (it had 1 lakh 38 thousand one hundred fourty three as per 2011 census) and locate it at village Marachi where at present is located as Additional Primary Health Centre though it has land having 47 decimals which is most suited for locating a Community Health Centre.

(B) For issuance of an appropriate writ order or direction commanding the respondents for taking final decision within a time limit regarding Upgradation/Conversion of Additional Primary Health Centre Maranchi Punpun into Community Health Centre (C.H.C.) Maranchi, Punpun as per the guideline of Directorate General of Health Services, Ministry of Health & Family welfare, Government of Indian and also naming the said community Health Centre (C.H.C.) Maranchi, Punpun in the name of provider of the land as Nawal Kishore Sinha Community Health Centre (C.H.C.) Maranchi Punpun, Patna.

(C) For issuance of an appropriate writ order or direction commanding the respondents for taking final decision on the representation of petitioner dated 29.11.2017 which was sent through speed post dated 30.11.2017 and also representation dated 22.03.2018 which was sent through speed post dated 26.03.2018 and finally dispose off said representations/applications/reminders by reasoned and speaking order.



(D) For issuance of an appropriate writ order or direction that on failure to do the above directing the respondents to take a final decision also with regard to return of 47 decimal of land bearing Thana No. 85, Tauzi No. 6446, Khata No. 27 and Plot No. 184 situated at village-Maranchi P.S. Punpun District Patna to the family of late Nawal Kishore Sinha by removing all structures/belongings if any.

(E) For issuance of an appropriate writ order or direction directing the respondents to retain 2 decimal land out of 47 decimal of land bearing Thana No. 85, Tauzi No. 6446, Khata No. 27 and Plot No. 184 situated at village-Maranchi P.S.-Punpun District-Patna for smooth running of Additional Primary Health Centre Maranchi Punpun and vacate the rest of the 45 decimals if authorities are not willing to Upgrade/Convert the Additional Primary Health Centre Maranchi Punpun into Community Health Centre (C.H.C.) Maranchi, Punpun.

(F) For any other relief and or direction as may be deemed and proper.”

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the local level by the appropriate authorities.

We find that the interest of justice should be best



served, if petitioner approaches the respondent nos. 2 and 3 within a period of four weeks for venting out his all rights and grievances also pointing out issues of public interest, including the subject matter of the present petition.

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.



We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.12.2020
Transmission Date	

