

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.964 of 2019

In

Civil Writ Jurisdiction Case No.12228 of 2019

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Krishna Ravidas, Son of Late Fakira Ravidas, Resident of ER-131, Janta Flat, Bhootnath Road, Police Station-Agamkuan, District-Patna... ..

Appellant/s(Petitioner in the writ application)

Versus

1. The State of Bihar through the Addl. Chief Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The Collector, Patna.
3. The Additional Collector, Patna.
4. The Municipal Commissioner, Patna, Municipal Corporation, Patna.
5. The Executive Engineer, Kankarbagh Pramandal, Patna Municipal Corporation, Patna.
6. The Circle Officer, Sadar, Patna

... .. Respondent/s (Respondents in the writ application)

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Appearance :

For the Appellant/s : Mr. Mritunjay Kumar Sinha, Advocate

For the Respondent/s : Mr. Yogendra Prasad Sinha (Aag7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 23-02-2021

Heard the parties.

Aggrieved by the judgment and order dated 11.07.2019 passed in C.W.J.C. No.12228 of 2019 passed by learned Single Judge of this Court dismissing the writ petition, the appellant has preferred this appeal.

Appellant had filed writ petition for direction to respondent authorities to provide him a godown after making construction over the public land and hand over possession to



him on lease on the government rate. Appellant belongs to scheduled caste and earns his livelihood by running a tent house and on account of lack of godown, the material of his tent house is being damaged and ruined.

Learned Single Judge has dismissed the writ petition on the ground that writ of mandamus can be issued only if petitioner has a legal right and there is corresponding obligation upon the authorities for its execution and same can be enforced through process of court. Writ petitioner has failed to show any such legal right on basis of which, a writ of mandamus can be issued to the authorities to construct a godown on an adjacent public land and hand over possession of said godown to the writ petitioner on lease on government rate for his use.

This Court does not find any error or infirmity in the order passed by learned Single Judge and, accordingly, this LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
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