

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3649 of 2022

1. Surendra Kumar Singh Son of Late Shubh Narayan Singh, Resident of Village - Sugia Katesari Jagir, Ward No. 12, P.s. - Sheohar, District- Sheohar.
2. Anil Kumar Jha, Son of Late Shobhakant Jha, Resident of Village - Sugia Katesari Jagir, P.S. - Sheohar, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. The Secretary, Health Department, Government of Bihar, Patna.
4. The District Magistrate, Sheohar.
5. The Civil Surgeon - cum- Chief Medical Officer, Sheohar.
6. The Bihar Medical Services and Infrastructure Corporation having its office at Hospital Road, Shastri Nagar, Patna - 800023 through its Managing Director.
7. The Managing Director, Bihar Medical Services and Infrastructure Corporation, Hospital Road, Shastri Nagar, Patna - 800023.
8. The Chief General Manager (Projects), Bihar Medical Services and Infrastructure Corporation, Hospital Road, Shastri Nagar, Patna - 800023.
9. The Deputy General Manager (Projects), Bihar Medical Services and Infrastructure Corporation, Hospital Road, Shastri Nagar, Patna - 800023.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ravi Kumar Panday, Advocate
For the Respondent/s : Mr.S.D. Yadav (Aag9)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 11-03-2022

Heard learned counsel for the parties.

Petitioners have prayed for following reliefs:-

a) To direct the concerned Respondents to not to re-locate the Additional Primary Health Centres sanctioned for and functioning at village – Sugia Katesari Jagir [Revenue Thana No. 168], Block and District – Sheohar to an unapproved and unsanctioned location at a scarcely populated place in the village – Sugia Katesari Jagir [Revenue Thana No. 169].

b) For a direction upon the Respondent Authorities to construct building of Additional Primary Health Centres on the plots of land donated vide registered Gift Deed in favour of His Excellency the Governor of Bihar on 08.03.2010 situated at Khata No. 23 Khesra No. 885 area 19 decimals and Khata No. 17 Khesra No. 863 area 12 decimals in village – Sugia Katesari

Jagir [Revenue Thana No. 168], Block and District – Sheohar.

c) For a direction upon the Respondent Authorities to restrain from constructing building of the Additional Primary Health Centres on the unsanctioned and unapproved plot of land situated at village – Sugia Katesari [Thana No. 169], Block and District – Sheohar during the pendency of the writ application.

d) To pass any other order/orders in shape of a consequential relief to which the Petitioner may be found to be legally entitled to in the facts and circumstances of the instant case at hand.

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner will be content if the petitioner is permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

It stands clarified that all issues of fact and law are left open.

The petition is disposed of as withdrawn with the liberty aforesaid.

Interlocutory application(s), if any, shall also stand

disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.03.2022
Transmission Date	NA