

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1420 of 2021

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Sakaldev Sah, Son of Late Thakur Sah, Resident of Village-Parham, Post-Farda, Police Station-Nayaram Nagar, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Secretary, Health Department, New Secretariat, Govt. of Bihar, Patna.
3. The Secretary Gram Panchayat Raj Department, Government of Bihar, Patna.
4. The Secretary Public Health Engineering Department, Govt. of Bihar.
5. The District Magistrate, Munger.
6. The Civil Surgeon, Munger.
7. The District Development Commissioner, Munger.
8. The Circle Officer, Jamalpur, Dist Munger.
9. Mukhiya, Gram Panchayat Raj, Parham, Munger.
10. The Executive Engineer, P.H.E.D., Munger.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Ratnakar Ambastha, Advocate
For the Respondents	:	Mr. S.D. Yadav, AAG IX
		Mr. Braj Bhushan Mishra, AC to AAG IX

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-08-2022 Heard the parties.

It is the case of the petitioner that land was donated by him for construction of the hospital and now water tank has been erected under *Nal Jal Yojna* by the State Government.

Learned counsel for the State has filed counter affidavit saying that water tank is also for the patients and doctors visiting the hospital.

On this, learned counsel for the petitioner says that it



is not a hospital but it is only primary health centre.

This action of the State is deprecated. If the State Government wanted to erect water tank under *Nal Jal Yojna*, it should have been erected elsewhere and they should not have misused the land when land is meant for extension of the hospital which is the need of hour but instead of utilizing the land meant for the hospital, they utilized the same for their scheme which is not permissible.

Considering the fact that water tank has already been constructed, this Court is not in a position to pass any positive order in favour of the petitioner.

However, the State is directed to henceforth utilize the remaining land only for extension of the hospital and not for other purpose.

With the aforesaid observation and direction, this writ petition is disposed of.

(Sandeep Kumar, J)

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