

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4296 of 2023

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1. Munilal Yadav, Son of Shri Lochan Yadav, Resident of Village - Salempur, P.O. - Serthua, P.S. - Kako, District - Jehanabad (Bihar).
 2. Raj Kumar Yadav, Son of Shivnandan Yadav, Resident of village - Tetarapur, P.O. - Paijanbarpur, P.S.- Kako, District - Jehanabad (Bihar).

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The District Magistrate, Jahanabad.
3. The General Manager, BMSICL, Hospital Road, Shastri Nagar, Patna - 800023.
4. Mukhia, Gram Panchayat, Narathua, P.S. - Kako, District - Jehanabad (Bihar).

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Manish Kumar Singh, Advocate
For the Respondents	:	Mr. P.K. Shahi, AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 18-04-2023

The writ application has been filed as a public interest litigation (PIL). The petitioners seek direction upon the Authorities to start construction of the Additional Primary Health Centre at village Nerthua under Nerthua Panchayat on the lands, which he claims, were selected by the Gram Sabha held on 07.01.2022.

It is the petitioners' case that 2 acre and 34 decimals of public land is available at a place which is nearest to the Railway Station and National Highway.

The petitioners have raised an apprehension that under pressure of superior Authorities arising out of political influence, the



Circle Officer, Kako has submitted a proposal of a different plot for construction of the Primary Health Centre.

The petitioners have not brought any material on record to show that proximity to the railway station or highway is preferred for establishment of the Health Centre. Where the same is required to be located is essentially an issue of executive policy involving the local self government so as to provide convenient access of healthcare facilities to the intended beneficiaries. Because some land is said to have been approved by an earlier Gram Sabha, cannot be accepted as being the final word based on which directions can be issued for construction of the Health Centre at that very place.

The petitioners also have not raised an issue of proposed shifting of the site for Health Centre, being likely to cause any inconvenience or hardship to the intended beneficiaries or any other such public interest.

For the above noted reasons, this Court is not inclined to proceed further with the issue as a public interest litigation.

The writ petition is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

SUMIT/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.04.2023
Transmission Date	NA

