

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4896 of 2023

1. Lakshya Seva Sangh (LSS) Registration No. S000176, Under Societies Registration Act 21, 1860, Official Address Block No. 8/256, Ligh, Hanuman Nagar, Kankarbagh, Patna-800020, Represented by B.K. Bidyarthi, S/o- Late Dinesh Chandra, Aged about 75 Years, Gender- Male is the President of Lakshya Seva Sangh.
2. B.K. Bidyarthi, S/o- Late Dinesh Chandra Official Address- Ligh- 8/257, Hanuman Nagar, Kankarbagh, P.O.- Lohiya Nagar, P.S.- Patrakar Nagar,

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Patna, Bihar.
2. The Additional Chief Secretary, Department of Urban Development and Housing Development Govt. of Bihar Patna.
3. The Additional Chief Secretary, Ministry of Health, Govt. of Bihar, Patna.
4. The Managing Director, Bihar State Housing Board, Patna.
5. The Divisional Commissioner, Patna.
6. The Municipal Commissioner, Patna.
7. The District Magistrate, Patna.
8. The Civil Surgeon, Patna.
9. The Executive Engineer, Division 1, Hanuman Nagar, Kankarbagh, Patna.
10. The Executive Officer, Kankarbagh, PMC, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mayank Singh, Advocate
Mr. Mickey Singh, Advocate
Mr. Ajit Kumar Singh, Advocate
Mr. Abhishek Kumar, Advocate
Mr. Shiv Prasad Gupta, Advocate

For the Respondent/s : Mr.Ajay, GA-5

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 21-07-2023

The petitioner proclaims itself to be a body registered under the Societies Registration Act and the writ petition is asserted to be one filed in public interest. The specific contention raised is the auction of the public utility land 6PU/K-1/703 at LIGH, Hanuman Nagar, Patna-800020. The petitioner's contention is that, as per the master-plan, the property was allotted for Public Health Centre and now the same is auctioned for commercial purposes, in deviation of the original master-plan and in violation of Section 37 of the Bihar State Housing Board Act, 1982 (for brevity 'the Act').

2. The petitioner has raised many abstract questions purportedly in public interest of the object of establishing the housing society and so on, which do not fall under the realm of the jurisdiction invoked by the petitioner. Hence, we confine ourselves to deal with the specific contention regarding the auction of the particular property in deviation of the master-plan and in violation of the statute.

3. Learned Government Pleader has relied on the counter affidavit dated 04.05.2023 filed by the 4th Respondent, the Superintending Engineer of the Bihar State Housing Board, Patna. It has been categorically stated that the auction has been conducted and the highest bidder has taken possession of the



property. It is stated that there was no proposal to have a Public Health Centre at the site in the master-plan, which is also produced along with the counter affidavit. The specified property is a commercial land as per the categorized specification made and the same is earmarked for public utility such as neighbourhood and community centre.

4. The assertion of deviation from master-plan is debunked by the specific averment made in the counter affidavit of the Board being categorised as a commercial land. Insofar as the violation of statute, Section 37 is referred to by the counsel appearing for the petitioner. Section 37 mandates a Government approval, where any building or land or street or any part thereof is situated within the jurisdiction of a local authority and vested in such local authority, which is sought to be included within the area of any housing or improvement scheme by the Board. Only in such cases, there should be a notice issued to the local authority after obtaining the approval of the Government.

5. In the present case, the land belongs to the Housing Board, as is evident from the master-plan and it does not vest in any local authority. There is, hence, no notice or an approval required under Section 37 of the Act.

6. We find absolutely no reason to invoke the



extra ordinary jurisdiction and dismiss the writ petition.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	26.07.2023
Transmission Date	

