

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7387 of 2023

=====

Dhamendra Kumar @ Dharmendra Kumar S/o-Mahesh Chaudhari Resident
of Anwarpurpur, Malgodam, Hajipur, P.S.-Hajipur Town, District-Vaishali,
Bihar, PIN-844101.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Chief Executive Officer, Nagar Parishad, Hajipur, Dist.-Vaishali, Bihar.
5. The Chairman, Nagar Parishad, Hajipur, Dist.-Vaishali, Bihar.
6. The District Magistrate, Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Pranoy Kumar, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-19
		Mr. Ankit Katriar, Advocate

=====

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

Date : 25-07-2023

1. Heard learned counsel for the parties.

2. The instant case in the nature of a public interest litigation has been filed by the petitioner praying for a direction to the respondents to stop the illegal construction of water fountain on the road by encroaching the land bearing Khata no.174 Khesra no.146 at Rajendra Chowk in Hajipur.

3. The case of the petitioner in brief is that



construction of a water fountain around the temple situated at Rajendra Chowk in Hajipur town, by the Nagar Parishad, will lead to traffic jam and chaos creating inconvenience to the public.

4. On perusal of the counter affidavit filed on behalf of the Nagar Parishad, it transpires that pursuant to the resolution of the Nagar Parishad Empowered Standing Committee for beautification of the area near the temple in question, a report was called for from the Junior Engineer as also the Amin of the Nagar Parishad and only after taking into consideration the contents of the report which was to the effect that traffic of the road will not be affected and no inconvenience will be caused, that the steps were taken. It further transpires that on receipt of a representation on 25.2.2023 from Ranjan Kumar and three others and on receiving a letter from the Urban Development Department, Government of Bihar, the work has been postponed and the Junior Engineer and the Amin concerned have been directed to file a further status report.

5. Having perused the material on record, it may be mentioned that the question with respect to beautification of the area as also the construction of fountain etc. are all within the domain of the policy decision, which are to be taken by the



officials of the Nagar Parishad and the Government department.
A public interest litigation would not be maintainable for the relief, as prayed for.

6. There being no merit in the instant application, the same is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.08.2023
Transmission Date	

