

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8177 of 2023

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1. Adyanand Mehta Son of Shri Nageshwar Mehta, Resident of Village and Post- Mahadhipur, P.S- Pasraha, District- Khagaria, Pin code- 851212.
 2. Srikant Singh Son of Late Kamleshwari Singh Resident of Village and Post- Jhanjhara, P.S- Pasraha, District- Khagaria, Pin code- 851212.
 3. Rajesh Kumar Son of Late Mahendra Sharma Resident of Village- Chakhar Post- Mahadhipur, P.S- Pasraha, District- Khagaria, Pin code- 851212.

... .. Petitioner/s

Versus

1. Bihar Rajya Dwara Jila Padadhikari Khagaria.
2. Grih Sachiv, Bihar Sarkar, Patna.
3. Sachiv, Bhawan Nirman Vibhag, Bihar, Patna.
4. Mukhya Abhiyanta, Bihar Police Bhawan Nirman Nigam, Patna.
5. Aayukt, Munger, Pramandal Munger.
6. Police Mahanideshak, Bihar, Patna.
7. Aarakshi Mahanideshak, Munger.
8. Police Adhikshak Khagaria.
9. Thanadhyaksh, Pasraha, District- Khagaria.
10. Anchaladhikari, Prakhand- Gogri, District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Indradeo Prasad, Advocate Mr. Ajit Kumar, Advocate Mr. Shiv Shankar, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam (AAG-12)

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

Date : 20-07-2023

The writ petition is filed as a Public Interest Litigation seeking a direction to the respondents for reconsidering the decision to shift Pasraha Police Station from the present site to another site within Khagaria District.



2. It is the contention of the petitioners that in shifting the police station, the people living within the Pasraha area are deprived of Equality before Law, Equal Protection of Laws and results in violation of their Fundamental Rights guaranteed under the Constitution. The Pasraha Police Station was formed in the year 1978 and the land in which the police station was established was acquired under the Land Acquisition Act, 1894. There are encroachments on the land and the present attempt to shift the police station is to protect the encroachers, is the contention.

3. Even the averments in the writ petition indicate that the shifting of the police station is for establishment of a model police station. We do not think that by mere shifting of a police station, there would be any deprivation of the Fundamental Rights guaranteed to the residents of the locality in which the police station is now situated. Wherever the police station is situated, the police personnel have the duty to ensure law and order within the area of its jurisdiction. It does not lie in the mouth of the residents of the locality to seek for establishment of a police station at a particular place or location. These are all policy matters in which the Courts would seldom interfere unless there is clear arbitrariness, illegality or



colourable exercise of power, evident from the facts coming out.

4. We are not inclined to entertain the Public Interest
Litigation and dismiss the same.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.07.2023
Transmission Date	

