

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13762 of 2022

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Krishna Ballabh Welfare Society, through its Secretary, Anjana Kumari (Female), aged about 39 years, Wife of Birendra Kumar Singh @ Virendra Kumar Singh, Resident of Village- Jhikatiya Kala, P.O.- Jhikatiya Kala, P.S.- Imamganj, District- Gaya.

... .. Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Social Justice & Empowerment, Govt. of India, New Delhi.
2. The Director, National Action Plan for Senior Citizen, Department of Social Justice and Empowerment, Government of India, New Delhi.
3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
5. The Director, Directorate of Social Security, Social Welfare Department, Patna.
6. The District Magistrate, Gaya.
7. The Assistant Director, Social Security Cell, Gaya.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Birendra Kumar Singh, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General, with Mr. Prabhu Narayan Sharma, & Sanjiv Kumar, AC to AG
For the Union of India	:	Ms. Punam Kumari Singh CGC

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 15-02-2023

The petitioner claims to be a registered society under the Societies Registration Act, 1860 (for brevity 'the Act'). It has been stated in paragraph 5 of the writ petition that one of the founder members, namely, Krishna Ballabh Prasad, has been



serving whole life with an organization, which was started in the year 1960. There is reference to a piece of land, which was made available for running the organization in 1960, and a building constructed thereon for taking up the cause of social justice. It has further been stated after the death of said Krishna Ballabh Prasad, the founder members resolved to get the society registered under the Act, as a non-profit organization. There is further reference to construction of a building by the organization, on the land, which the organization had acquired.

2. In the present writ application, the petitioner is seeking direction to give approval of the scheme of *Atal Vayo Abhyuday Yojana (AVYAY)* for the Village- Jhakatiya Kala, in the District of Gaya.

3. A counter affidavit has been filed on behalf of the State of Bihar. In the counter affidavit, sworn by the Assistant Director, District Social Security Cell, Gaya, it has been stated that the petitioner's-organization was inspected on 26-03-2022 by the Assistant Director, District Social Security Cell, Gaya, and it has been found that the rented building of the organization was neither completed nor plastered. Upon physical verification, a report was submitted and the organization was not found fit to run any old age home under the said Scheme.



4. In our considered view, the petitioner cannot maintain the present Public Interest Litigation to question the denial of grant by the State-respondent, which the petitioner had claimed under the Scheme. This Public Interest Litigation is thoroughly misconceived and is, accordingly, dismissed.

(Chakradhari Sharan Singh, ACJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17-02-2023
Transmission Date	N/A

