

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13994 of 2023

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1. Lakhan Lal Deo Son of Gireshwar Deo, Resident of village- Itahari, P.O. Fulidumar, P.S. Fulidumar, District - Banka.
 2. Sanjay Manjhi son of Kapildeo Manjhi, Resident of village- Bala Deo, Itahari, P.O. Fulidumar.. P.S. Fulidumar, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary. Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Bihar, Patna.
4. The Director, State Health Society, Bihar, Patna.
5. The Managing Director, Bihar Medical Services and Infrastructure Corporation Limited, Bihar, Patna.
6. The District Magistrate, Banka-cum-Chairman, District Health Society, Banka, District - Banka.
7. The Civil Surgeon-cum-Chief Medical Officer, Banka, District Banka.
8. The Sub-Divisional Officer, Banka, District - Banka.
9. The Circle Officer, Fulidumar, District - Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Awnish Kumar, Advocate
For the Respondent/s	:	Mr.Binod Kr. Yadav (Sc18)
For State Health Society	:	Mr.K.K. Sinha, Advocate
		Mr.Shashi Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 06-11-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to produce on record their decision for construction of Community Health Centre Fulidumar in village- Dhankuriya under Gram Panchayat



Raj, Rata and on production the same may be quashed by issuance of an appropriate writ in the nature of CERTIORARI on the ground that if Primary Health Centre, Fulidumar was upgraded to Community Health Centre, Fulidumar and for the construction of Community Health Centre more than sufficient land is available at the same place where Primary Health Centre is constructed. there can be no occasion for the Respondents to shift the location of the Community Health Centre to a Gram Panchayat which is not accessible for the patient and their attendants from all corners of the Block.

(ii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for construction of Community Health Centre in the same Plot No.63 of Khata No.396 situated in Mauza- Itahari bearing Thana No.01 in which Primary Health Centre was constructed for which the recommendation was made by Revenue Karamchari of Halka No. 5 to the Circle Officer. Fulidumar and the Circle Officer, Fulidumar had sent the concerned File to the District Magistrate -cum- the Chairman District Health Society, Banka vide his letter no.131 dated 07.03.2013.”

2. At the outset, the learned counsel for the petitioners



seeks liberty on behalf of the petitioners to approach the District Magistrate-cum-Chairman, District Health Society, Banka for redressal of their aforesaid grievances.

3. In view of the aforesaid, I deem it fit and proper to grant liberty to the petitioners to approach the District Magistrate, Banka, by filing appropriate representation and in case such a representation is filed, within a period of two weeks from today, the District Magistrate-cum-Chairman, District Health Society, Banka shall consider the same and pass a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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