

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15470 of 2023

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Awadhesh Kumar Akela S/o Suraj Dev Raut, Resident of Mohalla-
Chitkohara, Sharda Colony, P.O.- Anishabad, P.S.- Gardanibag, Anchal- Patna
Sadar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home (Special) Department, Government of Bihar, Patna.
2. The Commissioner, Patna Pramandal, Patna.
3. The District Magistrate, Patna.
4. The D.D.C., District- Patna.
5. The Sub-Divisional Officer, Patna Sadar, District- Patna.
6. The Treasury Officer, Patna Collectriate, District- Patna.
7. The L.R.D.C., District- Patna.
8. The Executive Engineer, Local Area Engineering Organisation, Works Division-1, Patna.
9. The Senior Superintendent of Police, District- Patna.
10. Ajay Kumar, Contactor, Resident of Mohalla- Shivpuri, Near A.N. College, P.S.- Patliputra, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj, GP-5

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-11-2023 The Public Interest Litigation is filed challenging the order dated 02.05.2023, of the District Magistrate, Patna, which granted an approval for fencing the graveyard of the Public Land of Khata 100, Khesra 72, Area- 1Ac. 64 Dec., at Mohalla-Chitkohara, Sharda Colony, Anchal- Patna Sadar.



2. The learned counsel for the petitioner contends that the area was used for social activity by the public and that it should be converted into a public park after sufficient beautification. This is a purely policy decision which cannot be precipitated by judicial orders.

3. The public is said to have filed a representation at Annexure-8 dated 09.09.2023. It cannot be said that there is any requirement for a *mandamus* at this stage. In such circumstances, the District Magistrate who has issued the order shall consider Annexure-8 in accordance with law and pass a reasoned written order.

4. We find absolutely no reason to entertain the Public Interest Litigation. The writ petition would stand closed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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