

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18130 of 2022

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Priyanka Singh, D/o Late Arvind Kumar Singh, Wife of Amit Sahgal,
Resident of CDA Colony, P.S. Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Managing Director, Lalit Narayan Mishra Institute of Economic
Development and Social Change, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Priyanka Singh (In Person)

For the Respondent/s : Mr. P.K. Shahi, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-04-2023

The writ petition is filed by a practicing lawyer to transfer the land of Lalit Narayan Mishra Institute of Economic Development and Social Change, Patna (hereinafter, referred as 'The Institute') to the Patna High Court. It is also argued that the



institute could very well be shifted to the old Mithapur Bus Stand, where a massive educational hub is being developed. It is also alleged that earlier substantial portion of land originally allotted to the Patna High Court was taken over by the State Government for construction of MLA flats and accommodating other Government offices falling in the eastern portion of the High Court up to Veer Chand Patel Path. Before us also, the learned counsel vehemently argued for the relief prayed for especially, pointing out the paucity of space due to the escalating number of litigation, the enhanced number of lawyers enrolling each year and so on and so forth. The petitioner is of the opinion that the glory of the Patna High Court would be restored only if such land is made available to the High Court to cater to its very needs essential for an effective and dynamic judicial system to function within the State of Bihar.

The Institute has filed counter affidavit through the Registrar who is authorized by the Director. The counter affidavit at the outset objects to the claim of any public interest being involved in the matter and points out that there is absolutely no homework done by the petitioner, who is a practicing lawyer. There is absolutely no statistics placed on record to substantiate the claim of paucity of space for reason of



the escalating litigation and the increasing number of Advocates enrolled in the subsequent years. It is pointed out that the Institute is a premier institution of the State of Bihar imparting education in Business Management and Computer Science. The land was obtained through a lease in the year 1982, and in 1987, the Institute was taken over by the State under the Bihar Private Education Institution (Takeover) Act, 1987. The then Hon'ble President of India inaugurated the building in 1983 and the Institute is run under a Managing Committee with the Hon'ble Chief Minister as the *ex officio* Chairman. The Institute has also been undertaking academic collaboration with foreign universities and it is functioning with avowed objectives for which it has been established; imparting education and thereby attempting to bring in social change. The Institute objects to the proposal made by the petitioner of shifting it to another place and resists the writ petition as such.

An intervenor has also filed a petition resisting the Public Interest Litigation, especially pointing out the various facets of late Shri Lalit Narayan Mishra and the offices occupied by him both in the Legislature and Executive during his lifetime. The intervenor is a former Minister of the Government of Bihar and at the time an intervening application



was filed, a Member of the Legislative Assembly. The intervenor also stoutly opposes the prayer for shifting the Institute to any other area.

The Government of Bihar has also filed a detailed counter affidavit specifically pointing out the contours of Public Interest Litigations; which is not satisfied by the above writ petition. The State also highlights the lack of any substantive material or a report or study or research made regarding the requirement of the High Court while resisting the maintainability of the petition. It is also alleged that the claim of land allotted to the High Court having been surrendered to the State Government, is raised without any supporting documents. It is also specifically pointed out that the Patna High Court has not been made a party in the above writ petition. The State Government has also referred to **R & M Trust v. Koramangala Residents Vigilance Group, reported in (2005) 3 SCC 91.**

The learned Advocate General has specifically referred to the judgment of the Hon'ble Supreme Court in Writ Petition (C) No. 640 of 2022, **Supreme Court Bar Association v. Ministry of Urban Development & Ors.** Therein, the Supreme Court Bar Association prayed for conversion of certain land into a chamber block for lawyers and the entire area around



the Supreme Court, as 'a Supreme Court Complex' as also allow the Government bungalow presently occupied by a Club. The three Judge Bench of the Hon'ble Supreme Court held as under:-

"20. SCBA cannot assert a right to the entirety of the land admeasuring 1.33 acres, which has been allotted by the Union government for housing the Supreme Court Archives, for converting it into a chamber block for lawyers. The Supreme Court of India discharges both judicial and administrative functions. The discharge of its functions implicates diverse stakeholders including lawyers, litigants and the staff engaged in activities of the Supreme Court. A holistic view has to be taken on the allocation of available resources by balancing the needs of stakeholders both for the present and the future. These are matters which cannot be resolved by the application of judicial standards and have to be taken up on the administrative side of the Supreme Court. Administrative functioning and decision-making, which the current issue requires, cannot be moved to the judicial side.

21. Apart from prayer 'a' which seeks the conversion of the entirety of the land admeasuring 1.33 acres to a chamber block for lawyers, the petitioners have also sought the conversion of the entire area around Supreme Court as a Supreme Court Block so that all buildings across the Supreme Court on Bhagwan Das Road can be utilized for conversion to lawyers'



chambers. The petitioner has also sought the allotment of a government bungalow presently occupied by the Foreign Correspondents' Club to the petitioner. Such directions cannot be issued on the judicial side.

22. We therefore are unable to subscribe to the reliefs which have been sought in the petition under Article 32. However, we leave it open to the Supreme Court of India on its administrative side to take appropriate decisions bearing in mind the needs of the institution for the present and the future and the interest of all stakeholders. The process of decision making would also involve consultation with the Bar. SCAORA, SCBA and BCI would be at liberty to address the issue with their representations on the administrative side. The writ petitions shall accordingly stand disposed of in the above terms.”

We bow to the above preposition and express our respectful agreement that there are balancing considerations to be looked into when seeking space for the High Court and it cannot be by displacement of Institutions existing in and around the High Court; unless the Government takes a policy decision to permit the same. Such policy decisions, in our humble opinion, cannot be precipitated by directions issued on the judicial side and would have to be taken up on the administrative side by initiating discussions with the Government. The administration of the High Court is quite



conscious of the space constraints and the requirements, which would be addressed to the Government on the administrative side; without the help of a Public Interest Litigant.

We find absolutely no reason to entertain the writ petition and dismiss the same.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Anushka/

AFR/NAFR	
CAV DATE	
Uploading Date	25.04.2023
Transmission Date	

