

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4177 of 2024

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Prem Bandhu Roy Son of Late Harakh Roy, Resident of village- North
Dhamaun, P.S- Patori, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The Deputy Superintendent of Police, Patori, Samastipur.
6. The Officer In-charge, of Patori Police Station.
7. That Sub-Divisional Magistrate, Patori, Samastipur.
8. The Block Development Officer, Patori Block, Samastipur.
9. The Panchayat Secretary, Patori Block, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoranjan Kumar, Adv.
For the Respondent/s	:	Mr. Md. Harun Quaraishi, AC to SC 1

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 15-03-2024

Heard the parties.

2. This is the second consecutive writ petition by way of Public Interest Litigation for identical issue, as earlier the petitioner had filed CJWC No. 15821 of 2022, *inter alia*, seeking a direction upon the respondent authorities to conduct an enquiry with regard to illegal capturing and converting the Community Hall as a personal house by one Dhirendra Kumar



Rai, the husband of Anita Rai, “Mahila Kosang” Ex-Pramukh, Patori at Samastipur, with the further allegation that the said Community Hall being used for the purposes of illegal activities at the hands of the afore-noted person, who has also indulged in immoral activities.

3. In the earlier round of litigation after the matter was heard for some time, when the learned Advocate found that the Bench was not agreeable, a submission has been made that the petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation. Accordingly, taking note of the limited submission of the petitioner, the same was disposed of with liberty to approach before the concerned respondents.

4. In the light of the aforesaid liberty, the petitioner raised his grievance before the learned Sub Divisional Magistrate, Patori, Samastipur, who, in turn, directed the Block Development Officer, Shahpur Patori to enquire the matter and submit a report. The matter was enquired and a report, as contained in letter No. 50 dated 09.05.2023, has been submitted negating all the contentions of the petitioner, the copy of which is produced as Annexure-P-2. The report delineates that the rooms of the Community Hall were vacant



and since 2011 it has also been used as an election booth and no illegal activity was found going on.

5. The petitioner now claiming himself to be a whistle blower has again approached this Court by filing the present writ petition challenging the report of the Block Development Officer, Patori Block, Samastipur claiming it to be a collusive and manufactured report, far from the truth. Besides the aforesaid relief, identical prayer has been made in the writ petition which was earlier raised before this Court.

6. Admittedly, in the earlier round of litigation itself, this Court was not agreeable with the submission made by learned counsel for the petitioner and only on his prayer liberty was granted. Despite the enquiry done by the competent authority, a further Public Interest Litigation has been filed, which is nothing but a misuse of the jurisdiction exercised in public interest litigations.

7. The Hon'ble Apex Court has an umpteen number of times cautioned that care has to be taken to see that a PIL essentially remains one filed in public interest and is not allowed to degenerate into becoming political interest litigation or private inquisitiveness litigation. In Public Interest Litigation, misuse comes in various forms; publicity, private



interest, political rivalry or other oblique reasons can be a motive for its misuse.

8. Having gone through the materials on record as also the earlier order and the report submitted by the Block Development Officer, Patori, Samastipur, this Court does not find any merit in the writ petition. The persons against whom allegations are raised are also not impleaded in their personal capacities. Accordingly the writ petition stands dismissed with caution to the petitioner.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.03.2024
Transmission Date	

