

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4131 of 2024

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Gopal Prasad Singh son of Late Parshuram Singh, Resident of Village -
Basmatta, P.O. - Jamdaha, P.S. - Katoria, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director-Cum-Commissioner, Panchayat Raj,
Government of Bihar Patna.
2. The District Magistrate, Banka.
3. The District Panchayat Officer, Banka.
4. The Deputy Collector, Land Reforms, Banka.
5. The Block Development Officer, Katoria, District - Banka.
6. The Circle Officer, Katoria, District - Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-03-2024

The writ petition seeks issuance of a writ in the nature
of mandamus restraining the respondents from making any
further construction of Panchayat Sarkar Bhawan in Jamdaha
Tola, Phattapathar under Block and Anchal-Katoriya, District-
Banka.

2. Learned counsel for the petitioner submits that he
was before this Court at an earlier instance with CWJC No.
12251 of 2021, which was disposed of by Annexure-P/9,



permitting a representation and also allowing him to again seek the remedy under Article 226 of the Constitution of India for the same cause of action. The petitioner submits that Annexure-10, representation did not evoke any response and hence, he is before this Court.

3. We see from Annexure-P/9 that the Court was not inclined to entertain the writ petition even at that stage, since it has been recorded that *'after the matter was heard for some time, the learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the Circle Officer, Katoria, District-Banka to consider and decide the representation filed by him within four weeks'*. The writ petition was disposed of on 02.08.2021 and on 31.08.2021 the petitioner is said to have filed Annexure-P/10. No further action was taken in the last two years and now even if the representation has not been considered, a contempt would not lie. Mere liberty given to the petitioner to approach this Court on the same cause of action, would not regulate the Division Bench considering the subsequent action.

4. We are of the opinion that in the facts and circumstances of the case, that there is absolutely no need to invoke the extraordinary jurisdiction under Article 226 of the



Constitution of India, considering the lapse of time. The prayer made earlier to shift the construction of Panchayat Sarkar Bhawan, in Jamdaha Tola, Phattapathar under Block and Anchal-Katoriya, District-Banka, after two years stands altered to staying the further construction. Petitioner has also been lax in agitating his cause. The totality of the circumstances, commend us to hold that this is not a public interest litigation and is a publicity induced litigation and we dismiss the same cautioning the petitioner from attempting such frivolous exercise before Court.

5. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2024
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