

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5417 of 2024

1. Nagendra Sah, Son of Chattu Sah, Resident of Village - Purnahiya, P.S - Purnahiya, District - Sheohar.
2. Sanjay Kumar Sahani, Son of Late Chattu Sahani, Resident of Village - Purnahiya, P.S - Purnahiya, District - Sheohar.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. The Additional Secretary, Land Reform Department, Government of Bihar, Patna.
4. The District Collector/Magistrate, Sheohar, District- Sheohar.
5. The Additional District Magistrate, Sheohar, District Sheohar.
6. The Zila Parisad, Sheohar through its Secretary, the Deputy Development Commissioner, District Sheohar.
7. The Sub-Divisional Officer, Sub - Division, Sheohar, District Sheohar.
8. The Land Reform Deputy Collector, Sheohar, District- Sheohar.
9. The Civil Surgeon cum Chief Medical Officer, Sheohar, District - Sheohar.
10. The Circle Officer, Purnhiya, District - Sheohar.

... .. Respondents

Appearance :

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

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

Date : 29-03-2024

The petitioners by invoking the inherent jurisdiction of



this Court under Article 226 of the Constitution of India; filed the present Public Interest Litigation, seeking a direction upon the respondents to ensure construction of a Community Health Center at Purnahiya as per Tender Invitation Notice No. BMSICL/Infra/15/2021 dated 09.07.2021 under the Purnahiya Circle Office in Panchayat Basantpati in which Purnahiya Block Office is situated on Khata No. 441 either Plot No. 792, which is Kesar Hind Hospital Land in khatian of the State of Bihar or on any other land proposed to be donated for the construction of Community Health Center by the petitioner no.2 and others.

2. It is contended that after Notice Inviting Tender, the work order was issued for construction of Community Health Centre, Purnahiya under district Sheohar and Rs. 22,62,59,854.08/- has been sanctioned for construction of five Centers. However, despite the fact that there is no Government Hospital or Primary Health Center in the Headquarter of Purnahiya Block, the Primary Health Center, Purnahiya has been constructed under Panchayat Kolhua Thikaha in village Sonual Sultan and the respondents are again going to upgrade the Primary Health Center, Purnahiya, which is situated in village Sonual Sultan and thus the people of village Purnahiya are being deprived of the adequate medical facilities.



3. It is further contended that several letters and representations have been filed for construction of a Community Health Center, Purnahiya over the Kesar Hind Hospital Land, bearing Khata No. 441, Plot No. 792 having area of 91 decimal, but the same has not been done.

4. Having gone through the prayer made in the writ petition, this Court, *prima facie*, is of the opinion, that the present writ petition is not a *bona fide* Public Interest Litigation. Moreover, the construction of Primary Health Center and Community Health Center are within the policy domain of the State Government, which is the competent authority to look into the matter and execute its decisions. The Primary Health Centres or Community Health Centres are obviously indispensable to cater to the needs of suffering patients but its construction is dependent upon many factors and the guidelines regarding the subject matter. Any order from this Court, on the basis of the averments in the writ petition, would be uncalled for. Moreover, from the record, it appears that the agreement has already been executed for construction of the Community Health Center, who have not been made party in the writ petition and, thus, the writ petition is also bad for non-joinder of necessary party.



5. This Court does not find any reason to entertain the present Public Interest Litigation. Accordingly, it is dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02-04-2024
Transmission Date	

