

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9774 of 2024

Uttam Kumar Mishra, Advocate, AOR No. 1876 Son of late Tarkeshwar Nath Mishra, resident of Puraniganj Kumhar Toli, Baniapur, Munger, at present 2nd Floor, Radha Market Mithapur, Police Station Jakkanpur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Additional Chief Secretary, Cabinet Secretariat, Government of Bihar, Patna.
4. The Additional Chief Secretary, Home, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Sinha 2, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General

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

(Per: HONOURABLE THE CHIEF JUSTICE)

4 25-07-2024 The petitioner is concerned with the 1993 order of the Government having not been acted upon by issuing a proper notification till 2023. The notification related to the law department being granted the power to issue orders of sanctions for prosecution; which was not notified till 2023.

2. We do not think that a Public Interest Litigation can be maintained on this aspect. If at all any person proceeded against has a grievance; it has to be agitated appropriately in a proceeding initiated in which it can also be looked into as to whether Section 465 of the Cr.P.C. applies.



3. In the above circumstances, without any observation on the merits of the matter, we close the Public Interest Litigation, finding it to be unnecessary.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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