

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1025 of 2024

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Chandeshwar Sharma Son of Late Nirghin Sharma, Resident of Village- Dadupur, Police Station- Bikram, District- Patna, presently residing at Tilak Nagar, Rukanpura, Post Office- B.V. College, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Art, Culture and Youth, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Circle Officer, Bikram, District- Patna.
4. The Block Development Officer, Bikram, District- Patna.
5. Subodh Tiwari, Son of Sidhdnath Tiwari, Resident of Village- Dadupur, Police Station- Bikram, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Standing Counsel-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-01-2024

The petitioner, asserts public interest in raising the issue of the construction of a community hall over the land bearing Khata No. 125, Plot No. 419 area 50 decimal. It is stated that there is a library bhawan in the said property for last seventy years and the balance land is used as a playground. Utilizing the MLA fund a community hall is being constructed allegedly at the instance of the respondent no. 5, is the contention raised.



2. The petitioner has produced a photograph of the on going construction as Annexure-P/5 series, which itself indicates that it has commenced and proceeded substantially. The building in the said land as is seen from the photograph is a dilapidated one.

3. The petitioners very contention is that the Circle Officer, Bikram, Patna and the Block Development Officer, Bikram, Patna and the 5th respondent are colluding to make the construction of the community hall. Obviously the construction is for a public purpose and it is not stated as to the status of the 5th respondent, who is alleged to be involved in the construction.

4. The construction of a community hall, as has been stated, is for a public benefit and it is for the state authorities to decide on the site of such construction. In the present case, despite the construction having been proceeded to a large extent the petitioner has not chosen to challenge the same till date.

5. We do not find any public interest involved in the writ petition and we suspect an ulterior motive insofar as the writ petition filed against the construction. Neither has the 5th respondent's connection with the construction disclosed nor has the Circle Officer Bikram, Patna and Block Development



Officer, Bikram, Patna, against whom allegations are made, impleaded in the personal capacity.

6. We find absolutely no reason to entertain the writ petition and dismiss the same *in limine*.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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CAV DATE	
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