

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2498 of 2025

Pradeep Kumar Das, age 33 years, male, S/o Nagesh Ram, R/o village-Siladkila, Chainpur, P.S. - Deo, District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary of Building Construction Department (BCD) Patna, Bihar.
2. The Collector-cum-District Magistrate, Aurangabad.
3. The Block Development Officer (BDO) Sadar Prakhanda, Aurangabad.
4. The Executive Engineer Building Construction Department (BCD), Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner : Mrs. Mukul Kumari, Advocate
For the Respondents : Mr. P.K. Shahi, Advocate General

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

5 19-11-2025 Heard learned counsel for the parties.

2. In the present writ petition, the petitioner prays for the following relief/s:

“(I) To direct the respondent authorities to reconstruction of rain shelter which has been demolished by them on 18.01.2025 by using of JCB in front of Sadar Hospital, Aurangabad, without apply his mind.

(II) To direct the respondent authority to stay the construction of many shops after demolished of rain shelter in front of Sadar Hospital, Aurangabad.

(III) To direct the respondent authority who has



repaired the said rain shelter before few months and it has been made usable for the people who used to stay at night but later on it has been demolished.

(IV) To direct the respondent authority who has wasting unnecessary huge Public Money under the repairing of rain shelter in front of Sadar Hospital, Aurangabad thereafter it has been demolished by JCB without apply his mind.

(V) To direct the respondent authority for issuance of writ in nature of certiorari or any appropriate writ/writs, order/orders or direction.”

3. In the counter affidavit filed on behalf of Respondent Nos.2 to 4, the following statements have been made in paragraph 16 & 17:

“16. That due to construction of several multi storey buildings at Sadar Hospital Aurangabad there is no scarcity of place for stay of the patients and there are other places also such as Dani Bigha Bus Stand, Old Bus Depot Gandhi Maidan and Ramabandh Bus Stand at convenient distance from Sadar Hospital Aurangabad where night/rain shelters are available.

17. That in spite of the above-mentioned rain shelters in case the necessity of new rain shelter is felt by the Nagar Parishad then by following the procedure established by law and by selecting the Government land in the city the



rain shelter would be built at Aurangabad.”

4. From perusal of materials on record, it appears that adequate night/rain shelter facilities are already available near Sadar Hospital, Aurangabad, and no immediate deficiency has been demonstrated. In view of the stand taken by Respondent Nos.2 to 4, we find no reason to pass any further order. It is left to the discretion of the competent authority to act as per requirement and in accordance with law.

5. Accordingly, this writ application stands disposed of.

6. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J.)

Gaurav Kumar,
Ibrar/-

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