

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5038 of 2025

1. Sanjay Kumar Singh (Advocate) son of Late Sachidanand Singh, President, District Bar Association, Banka.
2. Pramod Kumar Singh (Advocate), son of Late Badal Prasad Singh, Ex Secretary, District Bar Association, Banka.
3. Maheshwari Yadav (Advocate), son of Pairu Yadav, Secretary, Advocates Association, Banka.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Hon'ble Patna High Court through its Registrar General, Patna High Court, Patna.
3. The Cabinet Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Law Department, Old Secretary, Patna.
5. The Joint Secretary, Department of Law and Justice, Government of Bihar, Patna.
6. The Principal District and Sessions Judge, Banka Civil Court, Banka, District-Banka.
7. The Registrar, Civil Court, Banka, District-Banka.
8. The District Magistrate, Banka.
9. The Executive Engineer, Building Construction Department, Banka, District-Banka.
10. The Chairman, Infrastructure Committee, Civil Court, Banka, through its Nodal Officer, namely A.K. Bhan, Additional District and Sessions Judge, 1st, Banka Civil Court, Banka, District-Banka.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate Mr. Pranav Kumar Jha, Advocate
For the State	:	Mr. P.K. Shahi, AG Mr. Amish Kumar, Advocate Mr. Sanjiv Kumar, Advocate
For Resp. No. 2, 6, 7, 10:	:	Ms. Anukriti Jaipuriyar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 07-05-2026



This writ application has been filed by three Advocates of the Banka District Bar Association by way of Public Interest Litigation for issuance of an appropriate writ/writs, order/orders in the nature of Mandamus for directing and commanding the respondents to forthwith start construction of the following courts:- (i) Family Court, (ii) POCSO Court, (iii) VLWC, (iv) Excise Court, (v) District Prosecution Office, (vi) Digital Computer Room (vii) Toilet Complex within the old campus of Banka Civil Court including the area of old campus and after dismantling old Judicial Officers' Quarters which is likely to be vacated.

2. On perusal of the writ application, it appears that in the garb of this Public Interest Litigation, the petitioners are opposing acquisition of land and construction of the court rooms and offices at the selected sites. It is their case that the proposed place of construction is at a distance of about 2 kilometers from the old court premises. The petitioners have brought on record Annexure 'P/11' dated 03.12.2024 to submit that earlier, it was decided to construct a multi-storied building and one adjacent building on the north side of old court complex for which administrative sanction of Rs.5,19,31,694/- was granted. Their grievance is that now the State Cabinet has sanctioned funds for the land acquisition at a place far away from the court campus, vide Annexure 'P/14' on 04.02.2025.



3. A counter affidavit has been filed on behalf of the respondent nos. 4 and 5 sworn by the Deputy Secretary, Law Department, Government of Bihar. It is stated that a suitable land for construction of Excise Court, Vulnerable Witness Deposition Complex, POCSO Court, ADR Building, District Prosecution Office, Legal Aid Defense Council, etc. has been selected. For new court campus, administrative approval for expenditure of Rs. 31,01,30,264/- for acquisition of 4.0047 acres of land has been given and the same has already been communicated to the Collector, Banka vide Memo No. 1141/J dated 19.02.2025. Copy of the letter has been brought on record as Annexure 'R/4 and 5/H' series. It is stated in paragraph '14' of the counter affidavit that land has been identified considering all the parameters such as suitability of land for conveyance of construction of building, conveyance of the lawyers and litigants as also suitability of land from the point of view of security and administration. The Hon'ble Infrastructure Committee of the High Court has approved the same and thereafter the administrative sanction has also been granted by the Cabinet.

4. It is submitted that an identical issue was raised before this Court in CWJC No. 6567 of 2023 (Rajesh Kumar Singh Vs. The State of Bihar and Others). This Hon'ble Court refused to entertain the writ application and observed that there could be no such claim made in public interest.



5. Having heard learned counsel for the petitioners and the State as also on perusal of the records, we find that the petitioners in this case have brought the writ application by way of public interest litigation but no element of public interest is involved in it. The suitable land has already been identified for construction of court complex. This has been done in consultation with the various stakeholders, such as the Principal District Judge, District Magistrate, Infrastructure Committee of the District Court and Infrastructure Committee of the High Court, Law Department and the Building Construction Department. At this stage, if the writ application is entertained, it is only likely to cause hindrance in the ongoing smooth progress in work.

6. This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

(Mohit Kumar Shah, J)

Rishi/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.05.2026
Transmission Date	

