

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17840 of 2025

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Pramod Kumar Son of Shri Ramraj Singh, Resident of Ward no.10, Vill.-
Alipur, Gram Panchayat Kurkuri, P.S.- Buer, P.O.- Nisarpura, District- Patna,
Bihar- 804453.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Chief Secretary, Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, District Patna, Bihar.
3. The S.D.O., Sub-Division- Patna Sadar, Patna, Bihar.
4. The Circle Officer, Block- Phulwari, Patna, Bihar.
5. The Secretary, Minor Irrigation, Patna, Bihar.
6. The Director, Animal Husbandry Department, Patna, Bihar.
7. The Secretary, Bihar State Building Construction Corporation Limited, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yash Roohan
For the State	:	Mr. Ravish Chandra, AC to SC-11
For BSBCCL	:	Mr. KumarAbhimanyu Pratap, APP Ms. Rushali, Advocate Ms. Sakshi Singh, Advocate

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

Date : 22-01-2026

This Public Interest Litigation has been filed by the
petitioner Pramod Kumar seeking for following relief:-

“1. That the present public interest litigation is at the instance of the petitioner a resident of this State of Bihar, under the provisions of Articles 226 and 227 of the Constitution of India, 1950, in exercise of the extraordinary



discretionary writ jurisdiction of this Honorable Court, through which the petitioner has sought for a direction upon the Respondents to deconstruct or demolish the First Class Veterinary Hospital on rest land at the middle of the passage of Ahar Pyne on the land of the Minor Irrigation Department having khata number 166, Rakwa 55D and Thana number 90 which is also an Aam Gairmajarua Land. The said construction was done with help of the Bhawan Nirman Department.”

2. Counter affidavit has been filed by the Joint Director, Animal Husbandry Department, Patna, Bihar in which it is stated as follows:-

“6.That from perusal of records it emanates that present Public Interest litigation is for demolition of constructed First Class Veterinary Hospital situated in Village Alipur Gram Panchayat- Kurkuri, P.S. Beur, P.O- Nisarpura, Dist.- Patna. This Veterinary Hospital has been constructed in the same Campus adjacent to old structure of Veterinary Hospital in larger interest of the people, farmers and cattle rearers of Village Alipur, Gram Panchayat-Kurkuri, P.S. Beur, P.O- Nisarpura, Dist.-Patna. This Veterinary Hospital has been constructed on Government/Public Land. The Petitioners has annexed an order of the Office of District Magistrate, Patna which had been communicated to all concerned vide memo no. 4643 dated 11.11.2024 (Annexure P/S of the writ application at pg. 33-34). From perusal of this letter it transpires that for the purpose of construction of aforesaid First



class Veterinary Hospital an encroachment removal drive was ordered. This order of the Office of District Magistrate, Patna itself validates the construction of aforesaid First class Veterinary Hospital. Concern of the petitioner of this writ petition is that land in question is of Minor Irrigation Department. But, there is nothing on record which confirms that any Irrigational Construction has been disturbed or demolished before the construction of this First class veterinary Hospital. Moreover, only on the basis of claim of petitioner of this writ petition that in Cadastral Survey Records that part of the land is of Minor Irrigation Department is not tenable. It is worth mentioning here that in the course of time the nature of land changes and accordingly, the use also changes.

10. That, in this case the construction of a First Class Veterinary Hospital is ongoing at the same site where it was earlier operational and thus there is no change in the situs.

11. That it is in the larger public interest and taking into consideration the interest of farmers/animal keepers and others, the hospital is being constructed by the State Government.”

3. Another counter affidavit has been filed on behalf of Respondent No. 5 by the Chief Engineer, M.W.R.D., Patna in which, in paragraph nos. 7, 8 and 9, it is stated as follows:-

“7. That it is stated that Aahar, Payne, Ponds etc. are natural resources of irrigation and the Minor Water Resources Department carries out renovation and cleaning work of Aahar, Payne, Ponds etc. through its field



engineers so that adequate irrigation facility could be extended to a larger agricultural area of the State. However the land of Aahar, Payne, Ponds etc. is Gair Mazarua land (public land) which belongs to the Revenue and Land Reforms Department, Govt. of Bihar and monitored by the Collector of the district through Circle Officer of the concerned Circle. The Revenue and Land Reforms Department, Govt. of Bihar issued a circular in this regard vide resolution contained in memo no. 139 dated 13.05.2006.

8. That it is stated further that the petitioner earlier approached the Sub Divisional Public Grievance Redressal Officer, Patna for the same relief and having been received notice from the said officer, the Executive Engineer, Minor Irrigation Division, Patna called for report from the Sub Divisional Officer, Minor Irrigation Subdivision, Patna Sadar vide letter no. 3639 dated 31.12.2024. The Sub Divisional Officer submitted report vide letter no. 07 dated 08.01.2025 stating that a Govt. Veterinary Hospital is being constructed over the land in question for which 'no objection' has not been issued by his office. However the local villagers informed during course of local inspection that the Circle Officer, Phulwarisharif (Patna) has made available the land for construction of hospital building after measurement and demarcation of land.

9. That it is stated further that the Executive Engineer, Minor Irrigation Division, Patna forwarded the aforesaid report to the Sub Divisional Public Grievance Redressal Officer, Patna vide letter no. 95 dated 11.01.2025 for information and needful.”

4. Learned counsel for the State has placed



Annexure Nos. 10 and 11 and submits that this litigation is not a public interest litigation but it is a personal interest litigation and the Veterinary Hospital, which has been constructed, is adjacent to the old structure and since it would subserve the purpose of the people, the farmers, the cattle rearers of number of villages and it has been constructed on the Government land, merely because a part of a patch of the Government land has been used by the family of the petitioner for their access to their house, under no stretch of imagination it cannot be said that the public interest is flouted in any manner. Law is well settled that public interest litigation is to address the violation of public rights, human rights and governance and judicial overreach into the executive/legislative domain should not be made and careful scrutiny is to be made to prevent frivolous filing of the cases. Public interest litigation is not a publicity interest litigation, a personal interest litigation or a political interest litigation and the core idea of the public interest litigation is to provide a voice to the voiceless and ensure violations of the constitutional and the legal rights of the marginalized do not go unaddressed but it is required to act with great care and circumspection.

5. In view of the available material on record, particularly the counter affidavit filed by the respondents, we



find that there is no element of public interest litigation involved in this case. The construction of the Veterinary Hospital on the Government land is quite justified. Therefore, the writ petition stands dismissed.

(Sangam Kumar Sahoo, CJ)

shailendra/-

(Mohit Kumar Shah, J)

AFR/NAFR	
CAV DATE	
Uploading Date	24.01.2026
Transmission Date	

