

(2020) 11 PAT CK 0058

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 8845 Of 2020

Rajshree Kumari

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: Nov. 9, 2020

Acts Referred:

- Constitution Of India, 1950 - Article 226

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Kumar Kaushlendra, Lalit Kishore, P. K. Verma, Vikash Kumar, Siddharth Prasad

Final Decision: Disposed Of

Judgement

Petitioner has prayed for the following relief(s):

(i) For issuance of writs in nature of mandamus and/or any other writ order and/ or direction in exercise of powers vested under Article 226 of the

Constitution of India, thereby calling for the entire First Information Report registered after 26.10.2020 at the different police station under the District

of Munger, State of Bihar, and upon examining the perfunctory, lackadaisical manner in which investigation is being carried out by the local police

officials may be pleased to pass an order for a judicial enquiry under the supervision of this Hon'ble Court.

(ii) For framing a guidelines/ Rules for irresponsible and illegal act and for giving an order of firing lathi-charge on the innocent devotees of Maa

Durga in which several devotee died and a large number of devotees are injured and also a large number of devotees are missing till now, by the act

of higher official.

(iii) For that the recovery of loss of Public Property incurred during such illegal activity of police, from the responsible police officials.

(iv) For that an adequate compensation to the families of dead devotees as well as injured devotees from the pocket of police officials who act like a dictator.

(v) For any other relief which this Honorable Court may deem fit and proper under the facts and circumstances may be granted.

We have heard learned counsel for the petitioner at length.

The averments made in the petition with regard to the work carried out by the petitioner are absolutely vague and unspecific. To our mind, the petitioner is just a busy body and the present petition, though filed as Public Interest Litigation, is perhaps to espouse a private cause i.e. publicity.

Before approaching this Court, petitioner did not approach the appropriate authority.

Also, the factum of the State having taken appropriate action and more specifically, as we are informed by Shri Siddharth Prasad learned counsel appearing for Respondent No. 2, the Election Commission remains undisclosed. Why so, no reason is forthcoming.

On the directions of the Election Commission the State has already taken the appropriate action.

The concerned District Magistrate and Superintendent of Police were transferred immediately after registration of the First Information Report. Also,

the Divisional Commissioner stands directed to enquire into and investigate the matter.

Significantly, such action of the State is not alleged to be mala fide, arbitrary, capricious or to protect any person. Dereliction of duty, if any, and by whom is something which would be enquired into by the Inquiry Officer during the course of the inquiry and we see no reason as to why the State would not take any action in terms of the report to be submitted.

As such, we do not find any reason sufficient enough to interfere into the matter.

The petition stands disposed of.