

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2920 of 2025**

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Sanjit Kumar son of Bhagwan Singh, resident of Village Karhara, Post-Kanbehri, P.S.-Muffasil, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
3. The Managing Director, Bihar Medical Services and Infrastructure Corporation Ltd., Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The Sub-Divisional Officer, Aurangabad, District- Aurangabad.
6. The Circle Officer, Aurangabad, District- Aurangabad.
7. The Block Development Officer, Aurangabad, District- Aurangabad.
8. The Mukhiya, Gram Panchayat Ora, Block and District- Aurangabad.
9. The Panchayat Secretary, Gram Panchayat Ora, Block and District- Aurangabad.
10. The Sarpanch, Gram Panchayat Ora, Block and District- Aurangabad.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Siddhartha Harsh, Adv.<br>Mr. Anand Kumar Mishra, Adv.  |
| For the Respondent/s | : | Mr. P.K. Shahi, AG<br>Mr. Vikash Kumar, AC to AG  |
| For BMSICL           | : | Mr. Lalit Kishor, Sr. Adv.<br>Mr. Vikash Kumar, Adv.<br>Mr. Ayush Kumar, Adv.<br>Mr. Kanishka Shankar, Adv. |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 01-08-2025**

The present petition has been filed under Article 226 of the Constitution of India in the nature of a Public Interest Litigation.

2. It is the case of the petitioner that he is the resident



of village Karhara, Post-Kanbehari, under Gram Panchayat Ora, District – Aurangabad and the petitioner has filed the present petition as a Public Interest Litigation. The main contention of the petitioner in the petition is that the matter relates to land pertaining to Khata No. 59, Plot No. 597 ad-measuring 4.08 acre under Mauza – Karhara, Thana No. 866, Gram Panchayat Ora, District – Aurangabad.

3. It is the case of the petitioner that the said land is used by villagers of the Panchayat. The Circle Officer, Aurangabad, issued a general notice intimating to the public at large about the decision of the administration to transfer 30 decimal of land under Khata No. 59, Plot No. 597, i.e. the land in question for construction of Trauma Centre. The concerned authority invited objection from the general public till October, 2024. In response to the aforesaid notice issued by the authority, the meeting of general body was convened on 12.09.2024. The Gram Panchayat Ora convened the said meeting in which the agenda was to consider the recommendation of the land in question by the Circle Officer for the purpose of construction of Trauma Centre. In the said meeting, it was unanimously decided that *Vivah Mandap* would be constructed over the land in question and NOC would not be given to the Health Department



for construction of Trauma Centre over the land in question.

4. It is further case of petitioner that in the light of the objection of the village people, the District Magistrate, Aurangabad in its letter dated 27.10.2024 wrote to the respondent no. 3, wherein, it has been mentioned that number of accidents are taking place in the district Aurangabad and, therefore, Trauma Centre is required to be constructed on NH-19. Similar type of letter was written by the District Magistrate, Aurangabad on 12.11.2024 communicating the aforesaid aspect to the Additional Chief Secretary, Health Department. It has been conveyed by the said communication that the land in question has been earmarked for the purpose of construction of Trauma Centre.

5. The grievance of the petitioner is that the representation was made by the villagers of Gram Panchayat on 07.01.2025, wherein, they pointed out about the aspect of construction of Trauma Centre in the area of the concerned village Panchayat for the reasons stated in the said communication/representation. However, the respondent authority has not taken any decision on the said representation made by the village people.

6. The petitioner, therefore, has filed the present writ



petition, wherein, he has prayed that appropriate direction be issued to the respondents whereby the respondents be restrained from constructing Trauma Centre over the land in question. It has been further prayed that the suitable alternative land be allotted for construction of Trauma Centre. It is also prayed that the respondents be directed to stop the construction of Trauma Centre during the pendency of the present writ petition.

7. Heard Mr. Siddhartha Harsh, the learned counsel for the petitioner, Mr. Lalit Kishore, senior counsel for the BMSICL and Mr. Vikash Kumar, learned AC to AG.

8. Learned counsel for the petitioner would mainly contend that once the decision has been taken by the Gram Panchayat / village Panchayat for construction of Trauma Centre at a particular place, the decision taken by the respondent authority, i.e., the District Magistrate, Aurangabad conveying the intention to construct Trauma Centre at NH-19, may be set aside and in fact, the land in question is not suitable for construction of Trauma Centre. It has been submitted that from perusal of the communication dated 27.10.2024 issued by the District Magistrate, Aurangabad to respondent no. 3, copy of which is placed on record at page -25, it is revealed that in the area in question, at least five Health Centres or Primary Health



Centres are situated and, therefore, there is no need to construct the Trauma Centre at the land in question on NH-19. Learned counsel further submits that the respondents be directed to decide the representation dated 03.01.2025 submitted by the petitioner as well as other village people.

9. On the other hand, learned counsels appearing for the respondents have opposed the present petition. Learned counsels would mainly contend that the District Magistrate, Aurangabad has found it fit to construct the Trauma Centre at NH-19, as there is no Trauma Centre on the said Highway between Gaya to Kaimur. The reason for construction of the said Trauma Centre is also mentioned in the letters issued by the District Magistrate, Aurangabad. It is further submitted that it is for the authorities to decide where to construct the Trauma Centre looking to the relevant aspects of the matter and looking to the public interest. Thus, when the decision has been taken by the respondent authorities to construct Trauma Centre at a particular place, such decision may not be interfered with.

10. Having heard learned counsels appearing for the parties and having gone through the materials placed on record, it transpires that the District Magistrate, Aurangabad has written a letter to respondent no. 3 on 27.10.2024, wherein, it has been



pointed out in detail about the Primary Health Centre as well as Health Centres situated in the nearby area and the distance between the Sadar Hospital and such Health Centres. However, in the said letter itself, it has been pointed out that on NH-19 between Gaya to Kaimur, there is no Trauma Centre. Number of accidents are taking place on the said Highway and, therefore, it is necessary to construct a Trauma Centre on NH-19. Pursuant to the said communication, decision has been taken to construct Trauma Centre at the land in question.

11. We are of the view that when the authorities have taken the decision keeping in view the relevant aspects in public interest, it is not open for this Court to interfere with such decision.

12. Accordingly, in the facts and circumstances of the case, we are not inclined to entertain the present petition.

13. The petition stands dismissed.

**(Vipul M. Pancholi, CJ)**

**( Partha Sarthy, J)**

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