
(2000) 08 PAT CK 0096
In the Patna High Court
Case No : C.W.J.C. No. 7257 of 2000

Satya Narayan Mahto

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 09-08-2000

Acts Referred:

Citation : (2001) 1 BLJR 315

Hon'ble Judges : Ravi S. Dhavan, C.J.;Aftab Alam, C.J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Ravi S. Dhavan, C.J.—The petitioner Satya Narayan Mahto has filed this public interest litigation. The Court has reservation on his locus standi to present one. From the memorandum of the petition itself it is clear that the petitioner is not a Member of the Legislative Assembly but merely resides in a flat which is reserved for the Members of Legislative Assembly. He resides in this flat which is in one of the most posh areas of the city of Patna. Otherwise, is no far as his vocation is concerned, he declares himself to be an Advocate at the High Court of Judicature at Patna. In the petition, it is contended that a number of persons come to the petitioner to complain about the policy of the Government which is not being adhered to by persons who have been on certain positions and posts. beyond the stipulated tenure and should be moved out. The main question is as to what are the petitioner's credentials to present this writ petition before this Court as a public interest litigation. But for the fact that the petitioner happens to be residing in the flat reserved for the Members of Legislative Assembly, a place where he normally ought not to reside, is perhaps the reason why the people routinely coming to see the Hon'ble M.L.A. from his constituency or otherwise, are met by the petitioner.

2. In the circumstances, we cannot permit the petitioner to arrogate to himself the functions which in routine belong in politics to an Hon'ble Member of the Legislative Assembly. The latter perhaps may raise these matters at the floor of

the House if any policy of the Government is being deviated from.

3. But, in so far as the present writ petition is concerned, this was a wrong brief misplaced in the hands of a wrong person. This writ petition is accordingly dismissed.