

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18595 of 2014

1. Gaurav Kumar son of Vijay Kumar Singh resident of Bihta, P.S.- Bihta, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Old Secretariat, Government of Bihar, Patna.
3. That Chairman, Bihar State Bridge Construction Corporation Limited, 7 Sardar Path, Patna.
4. The managing Director, Bihar State Bridge Construction Corporation Limited, 7 Sardar Path, Patna.
5. That Principal Secretary, Road Construction Department, Government of Bihar, Patna.
6. The Commissioner, Patna Division, Patna.
7. The District Magistrate, Patna.
8. The Sub- divisional Magistrate, Danapur.
9. The Senior Project Engineer, Bihar State Bridge Construction Corporation Limited, 7 Sardar Path, Patna.
10. The Circle Officer, Bihta.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Adv.

For the Respondent/s : Mr. GP20- NADEEM SERAJ

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE I. A. ANSARI)

Date: 24-09-2015

Heard Mr. Surendar Singh, learned Counsel, appearing on behalf of the petitioner, and Mr. Lalit Kishore, learned Senior Counsel, appearing on behalf of respondent Nos. 3, 4 and 9. Heard also Mr. Nadeem Seraj, learned Government Pleader-20, appearing

on behalf of the State respondents.

In view of the fact that it has been submitted, on behalf of the State respondents, that traffic jam near Koilwar bridge is on account of narrow and one-way bridge inasmuch as the traffic from only one end to the other end is allowed at a time with the result that the vehicles, which have to enter the bridge from the other end, are required to halt and wait until the vehicles from the other side pass by. It is also the submission of the respondents, in the light of the affidavit, that the weight and measurement bridge has been constructed on a service lane at a distance of about one kilometer from the Koilwar bridge. This statement is disputed by the petitioner.

Considering the affidavit, which has been filed by the respondents, we are of the view that in the facts and circumstances of the present case, the dispute, if any, needs to be resolved by a civil court of competent jurisdiction inasmuch as the issue requires determination of disputed questions of fact, which can be effectively decided on appreciation of evidence, which would, obviously, warrant cross-examination of witnesses and, therefore, a public interest litigation is not an ideal course of action for resolution of such a dispute.

In view of the above and in the interest of justice, we hereby close this public interest litigation with liberty to the petitioner to take recourse to such provisions of law as may be necessary.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

K.C.jha/-

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