

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13710 of 2014

Shiv Kumar Maharaj, S/o Late Suchit Maharaj, R/o Village- Ismailchak, P.O.- Govindchak, Distt- Saran.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
3. The Executive Engineer, Road Construction Department, Sonapur, Division, Sonapur, Saran.
4. The District Magistrate, Saran at Chapra.
5. The Superintendent of Police Saran, Chapra.
6. The Sub- Divisional Magistrate, Sonapur, Saran.
7. The Block Development Officer, Sonapur Block Saran.

.... Respondents

Appearance :

For the Petitioner : Shri Manish Chandra Gandhi, Adv.

For the Respondents : Shri Mrigendra Kumar, A.C. to GA11

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 15-01-2015

The petitioner claims to be the resident of Ismail Chak village, Block Sonapur, District Saran. It appears that the road is being constructed in the village under the “Mukhya Mantri Gram Sampark Yojna”. The grievance is that on account of the construction of the road, water is accumulating in Ward No.8 and, though two representations were made in this behalf, no action was taken. He seeks appropriate direction in this behalf through this Public Interest Litigation.

Heard Shri Manish Chandra Gandhi, learned counsel for the petitioner, and Shri Mrigendra Kumar, learned counsel for the respondents.

Even from the averments in the writ petition, it is clear that the road is 'under construction'. It is only when the construction of the road is completed that the possibility for construction of a drain would exist. The petitioner is not in a position to wait till the construction of the road is completed. Further a direction is also sought to the effect that the respondents shall take coercive steps against the persons who are opposing the construction.

We are not inclined to entertain the writ petition at this stage. The writ petition is dismissed.

It is, however, made clear that the petitioner can make the efforts after the construction of the road is completed.

(L. Narasimha Reddy,CJ)

(Gopal Prasad, J)

K.C.jha/-

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