

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17437 of 2014

=====

Bhola Nath Pandey, son of late Bidya Nath Pandey, resident of village- Nirala Nagar, P.S. Digha, District-Patna, Chairman, Nirala Nagar, Vikash Samiti, Digha, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Urban Development Department, New Secretariat, Government of Bihar, Patna.
4. The Collector-cum- District Magistrate, Patna.
5. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
6. The Sub-Divisional Officer, Sadar, Patna.
7. The Divisional Railway Manager, East Central Railway, Hazipur, Bihar.
8. The Chief Administrative Officer, Ganga Rail-cum-Road Pul Nirman Project, Mahendru, Patna.
9. Chief Engineer, Construction Ganga Rail-cum- Road Pul Nirman Project, Mahendru, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Senior Advocate
Mr. Rajesh Kumar, Advocate

For the Respondent/s : Mr. Roy Shivajee Nath, . AAG-3

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 06-04-2015



This writ petition is filed by way of public interest litigation. It is stated that on account of construction of Rail-cum-Road Project across the Ganga near Digha, the internal road of Nirala Nagar Colony is getting affected, and in spite of repeated representations, the respondents did not take any step. A copy of the representation is filed as Annexure-1.

Heard Sri Ramakant Sharma, learned senior counsel for the petitioner and Sri Roy Shivajee Nath, learned Additional Advocate General-3, for the respondents.

Whenever a project of large size is taken up, the work spills over the neighbouring land, the localities and in some times a road. The inconvenience, that is caused at the time of construction, cannot be treated as a permanent phenomenon. However, if, for any reason, such construction results in any re-location or disappearance of the existing road, the State has to ensure that alternative arrangements are made. This, however, is a matter to be examined by the concerned agency, and the Court cannot give any definite direction in this behalf.

Therefore, this writ petition is disposed of directing that the representation of the petitioner shall be taken into account by the respondent no.3, and necessary steps in that behalf shall be taken. We make it clear that the petitioner shall not be entitled to file a

contempt case alleging that the order has not been complied with.

Interlocutory applications, if any, shall stand disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Ashwani Kumar Singh, J)

Sunil/-

U			
---	--	--	--