

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.659 of 2016

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1. Rajesh Sharma @ Rajesh, son of Rup Narayan Sharma
2. Rohan Kunal, son of Ram Raghuvir Ray
Both residents of Khagra Machhmara, Ward No.31,
Kishanganj Bazar, P.S. and District- Kishanganj.

.... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate, Kishanganj.
3. The Commissioner-cum-Secretary, Road Construction
Department, Govt. of Bihar, Patna
4. Engineer-in-Chief, P.W.D., Bihar, Patna
5. The Executive Engineer, P.W.D. Kishanganj

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Respondent/s : Mr. Pushkar Narain Shahi- AAG 10

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
AND
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

5 29-03-2016 The petitioners, by the present application, in
the nature of Public Interest Litigation, filed under Article
226 of the Constitution of India, has sought for a direction
restraining the respondents from raising the height of
Khagara-Machmara Airport Road in the district of
Kishanganj.

It is the case of the petitioner that raising the
height of the road, in question, is going to cause immense
inconvenience to the nearby inhabitants inasmuch as there

is no existing system for drainage of rain water. It is their case that in course of time, height of the road has been raised to such an extent that the entire area will get, in the absence of adequate drainage system, inundated during the rainy season.

A counter affidavit has been filed on behalf of the respondents, bringing on record a letter, dated 23.12.2015, written by the Executive Engineer, Water Disposal and Research Division, Kishanganj, stating therein that drains for the purpose of flow of rain water have been constructed in such a manner that there would not be any chance of water logging in the nearby area. In view of the fact that there is no denial to these averments and have, thus, remained uncontroverted, we do not intend to proceed in the matter any further.

This proceeding is accordingly closed with liberty to the petitioners to approach this Court, in future, if such a situation arises.

(I.A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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