

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12446 of 2015

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Chandra Shekhar Prasad, son of Late Deo Narayan Mahto, resident of village Bhutaha Khar, P.S. Nagarnausa, District Nalanda presently residing at Swaraj Kendra, Daniyawan, P.S. Daniyawan, District Patna.

.... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
2. The Secretary, Ministry of Road, Transport and Highways, Government of India, New Delhi.
3. The Project Director, National Highway Authority of India, D-63, Sri Krishnapuri, Patna.
4. The Secretary, Ministry of Railways, Government of India, New Delhi.

.... Respondents

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Appearance :

For the Petitioners : Mr. Vaidehi Raman Prasad Singh, Advocate

For the Respondents : Mrs. Nivedita Nirvikar, Sr. S.C. C.G.C

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 05-02-2016

Heard Mr. Vaidehi Raman Prasad Singh, learned

Counsel, appearing on behalf of the petitioner, and Mrs. Nivedita

Nirvikar, learned Senior Standing Counsel, for the respondents.

The grievance, in effect, of the petitioner in this writ petition, made under Article 226 of the Constitution of India, in the nature of Public Interest Litigation, is that there is an existing road, but the road has been constructed by the National Highway Authority by changing the course of the road.

This Court does not have any judicial determinable parameters to decide as to whether the change of course in the

construction of National Highway is or is not necessary, particularly, when the road, which is sought to be constructed, is a road, which is necessary for the purpose of making a bridge functional.

Situated thus, we do not find that the writ petition has been able to make out any case for invoking this Court’s extraordinary jurisdiction under Article 226 of the Constitution of India, in the present proceeding in the form of Public Interest Litigation.

The petitioner shall remain at liberty to take recourse to appropriate provisions of law by instituting a suit in Civil Court of competent jurisdiction in representative capacity.

With the aforementioned directions and observations, this writ application stands disposed of.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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