

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13837 of 2015

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1. Kameshwar Pathak Son of Sri Ram Gopal Pathak Resident of village -
Siktown, Post Office - Atrawan, Police Station Itarhi, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Rural Works
Department, Govt. of Bihar, Patna
2. The District Magistrate, Buxar
3. The Executive Engineer, Rural Works Department, Buxar Division

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik

For the Respondent/s : Mr. A.K.Chaudhary, AAG-13

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH**

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

7 16-05-2016 Heard Mr. Kumar Kaushik, learned Counsel for the

petitioner, and Mr. Ashok Kumar Chudhary, learned Additional

Advocate General No. 13, appearing for the State respondents.

In view of the fact that the construction of bridge, in
question, has already started and the writ petition, made under
Article 226 of the Constitution of India, in the form of Public
Interest Litigation, raises intensely disputed question of fact, the
proceeding under Article 226 of the Constitution of India is not an
appropriate proceeding and is, therefore, disposed of, as has been
sought for by learned Counsel for the petitioner, as withdrawn
with liberty to take recourse to appropriate provisions of law

including institution of appropriate suit in the Civil Court of competent jurisdiction.

The interim order of stay, passed in this case, on 11.03.2016 is accordingly vacated.

(I.A. Ansari, ACJ)

(Navaniti Prasad Singh, J)

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