

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4047 of 2017

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Gopalpur And Rasulpur Panchayat Kishan Sabha through its Secretary namely Dahaur Prasad Rai, S/o Late Deo Narayan Rai, Resident of Village + P.O.- Gopalpur, P.S.- Naya Gaon, District- Saran.

.... Petitioner/s

Versus

1. The Project Director, National Highway Authority of India, Prabhu Nath Nagar, Chapra at Saran.
2. The Principal Secretary through the Road Construction Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector at Chapra, Saran.
4. The General Manager, Madhucon at Dighwara, Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Respondent/s : Mr. Rajballabh Pd. Yadav, AAG-11

Dr. Sanjay Kr. Singh, AC to AAG-II

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-05-2017

In this petition filed *pro bono*, the grievance of the petitioner is that National Highway No. 19 passes through the village in Gopalpur and Rasulpur Panchayat under Block Sonapur in district Saran and while passing through plot No.120 under Thana No.130, the road gets congested causing great inconvenience to the villagers, movements of the transport vehicles are also adversely affected and therefore, a prayer is made that the authorities be directed to construct a over-bridge or fly-over over the road in question to remove the traffic



congestion and to create convenience for the villagers in the matter of use of their area. It is stated that because of the road going through the densely inhabitant of the area in village, it creates adverse situation to the villagers, who are farmers.

The petitioner may have a genuine grievance with regard to the same, but the question of construction of a road, further question of constructing a fly over or making an alternate arrangement to make it convenient to the villagers at large is a policy matter, executive in nature, to be considered and decided by the authorities of the State and it is normally not within the extra-ordinary jurisdiction of this Court in a petition under Article 226 of the Constitution to enter into those areas of policy making and issue a mandamus. At the first instance, the Government or the competent authority, namely, the Respondent No.1, the National Highway Authority of India, should consider the representation and claim of the petitioner, evaluate it in the backdrop of the grievance of the petitioner and take a decision with regard to feasibility of making alternate arrangement to ease the inconvenience of the villagers in question. It is stated that Railway authority has also extended certain facilities in this regard for using the areas for construction of over-bridge or fly-over.

Taking note of the totality of the facts and circumstances of the case, for the present, it is directed that respondent No.1 to look



into the matter, examine them in the backdrop of the grievance of the petitioner and various aspects of the matter and dispose of the representation within a period of two months from the date of receipt of a certified copy of the order.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2017
Transmission Date	

