

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20095 of 2016

- =====
1. Ravi Shankar Yadav aged about 44 years Son of Raja Ram Yadav.
 2. Sajjan Yadav son of Yugeshwar Yadav. Both residents of village-Lahladpur,P.O. Saidabad, Police Station-Rani Talab (Kanpa), District-Patna(Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Road Construction Department, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, District-Patna.
4. The Superintending Engineer, Ganga-Sone Flood Circle, Mithapur.
5. The Executive Engineer, Rural Works Department, Works Service, Patna.
6. The Executive Engineer, Flood Sone Circle, Khagaul.
7. The Sub-Divisional Office,Vikram.
8. The Officer Incharge, Rani Talab,Vikram, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. R.B. Prasad Yadav, AAG-11

Mr. A.K. Dubey, A.C. to AAG-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 29-06-2017

Inter alia contending that by a memo issued on 20th of



August, 2016 (Annexure-2) Superintendent of Police, Patna has prohibited movement of vehicle carrying weight of more than 10 ton in the Kanpa-Lahladpur-Janpara road and seeking a direction that the aforesaid order be quashed and heavy vehicle of more than 10 ton should be permitted on the road in question, this petition has been filed in public interest.

2. On notice being issued, respondents have filed a detailed reply and from petitioner's own showing, it is seen that in view of a direction issued by a Bench of this Court in another Public Interest Litigation being C.W.J.C. No. 3866 of 2015 (Prabhu Nath Pandey Vs. The State of Bihar & Ors.) on 08.04.2016 taking note of the directions issued by the Board, the impugned action has been taken by the Superintendent of Police.

3. Be it as it may be, the fact remains that the question of permitting vehicle carrying a particular weight on a road in question is purely an administrative action to be taken by the administrative authorities and if the Superintendent of Police after taking note of the orders passed on 08.04.2016 by this Court in C.W.J.C. No. 3866 of 2015 has taken the aforesaid action in public interest preventing use of heavy vehicle on the road in question, we see no reason to make any indulgence into the matter in absence of any statutory rule, regulation or law being shown to have been violated in this regard.



4. That being so, finding no merit in the contentions advanced in this writ petition, we dismiss the same.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.07.2017
Transmission Date	

