

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20508 of 2016

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1. Pawan Kumar Agarwal Son of Late Baluramji Agarwal through Secretary, North Western Bihar Chamber of Commerce and Industry, Resident of Mohalla - Sahebganj, P.S. - Chapra Town, District - Chapra (Saran).

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary Urban Development Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Urban Development Department, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Chairman, Nagar Parishad, Chapra.
6. The Executive Officer, Nagar Parishad, Chapra.
7. The Executive Engineer, District Urban Development Authority, Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Alok Kumar Sinha, Advocate

For the Respondent/s : Mr. Yogendra Prasad Sinha-AAG-7

For the Nagar Parishad, Chapra: Mr. Indu Bhushan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 05-05-2017

In this petition filed in public interest, the grievance made is that while constructing a cemented road in Chapra town between Mauna Chowk Chowk to Sahebganj Chowk, the height of the road has been raised by 12” and in spite of orders passed in C.W.J.C. No.4839 of 2010, Deepak Mukherjee vs. State of Bihar (D.B.), prescribing construction of elevated P.C.C. road, the impugned action has been taken.

It is argued that the construction has been made in a



manner which is not permissible in law, and, therefore, the same should be removed.

Keeping in view the grievance of the petitioner, which is primarily based on the judgment rendered by co-ordinate Benches of this Court, particularly in the case of Deepak Mukherjee (supra), we are of the considered view that the petitioner should take up the issue with the authorities of the State Government and it would now be for the authorities to look into the grievance of the petitioner and take action in the matter.

Accordingly, we direct the petitioner to make a representation in this regard to Respondent Nos. 2 and 3 and the State respondents are directed to look into the grievance of the petitioner and take such steps as are permissible under law.

With the aforesaid, this application is disposed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.5.2017
Transmission Date	N/A

