

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18778 of 2017

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Chiku Singh @ Saurabh Kumar, Son of Late Aditya Singh (Ex-Minister),
Resident of Narhat, P.S. Narhat, District-Nawada

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. That Principal Secretary, Urban Development and House Department, Bihar, patna.
4. The Collector, Nawada.
5. The Chairman, Zila Parishad, Nawada.
6. The Deputy Development Commissioner-Cum-Chief Executive Officer, Zila Parishad, Nawada.
7. The Executive Engineer, Road Construction Department, Government of Bihar, patna.
8. The Circle Officer, Hisua, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad

For the Respondent/s : Mr. RAJ BALLABH PD.YADAV AAG11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 26-02-2018

This Public Interest Litigation has been filed and the grievance of the petitioner is with regard to construction of a shopping complex by Zila Parishad, Nawadah, on a public road which is not permissible. It is stated that earlier one Jitendra Kumar filed CWJC No. 17442 of 2017 and this Court on 29.11.2017 directed the authorities of Zila Parishad, Nawadah to look into the matter but



nothing has been done and, therefore, again this Public Interest Litigation has been filed for restraining construction of the complex.

However, during course of hearing of the matter we are informed that various writ petitions have been filed by aggrieved persons and the issue is under construction in CWJC No. 18338 of 2017 (Mahendra Singh vs. State of Bihar & Ors.) and CWJC No. 18460 of 2017 (Shringari Kumari vs. State of Bihar & Ors.) and even on 09.01.2018 a Single Bench of this Court has issued notice and called for counter affidavit.

It is argued that the matter is coming up before the Single Bench on 19th February, 2018. Accordingly, it is seen that when the issue in question is already pending consideration before the Single Bench in these two writ petitions, this Public Interest Litigation on the same issue is not maintainable.

On going through the records we find that with regard to the construction of shops on the part of the drainage and the road by Zila Parishad, Nawada is pending before consideration by a Single Bench in the case of Mahendra Singh (supra) and Sringari Kumari (supra) and, therefore, any indulgence into the matter in this P.I.L. is not called for.

Accordingly, finding no ground for interference into the matter we dispose of this application granting liberty to the petitioner



to approach the Single Bench where is matter is already pending.

(Rajendra Menon, CJ)

mr.l/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.03.2018
Transmission Date	

