

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4599 of 2018**

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1. Virendra Nath Srivastava Son of late Makeshwar Nath Srivastava
2. Ranbir Sharan Verma Son of late Awadheshwari Sharan Verma
3. Sachida Nand Tiwary Son of Mukati Nath Tiwary
4. Rupesh Kumar Tiwary Son of late Sharda Nand Tiwary
5. Shailesh Kumar Singh Son of Nawlakh Singh
6. Vijay Kumar Son of Sri Lattan Mishra
7. Bina Srivastava Wife of Virendra Nath Srivastava
8. Amar Nath Gupta Son of late Lallan Gupta
9. Ramanand Singh Son of late Shiogopal Singh
10. Sunil Kumar Son of late Deo Muni Prasad
11. Sanjay Kumar Srivastava Son of late Jagat Narayan Prasad  
All Residents of Mahdewa, Near VMHE School, Mahdewa, Siwan, P.S.  
Siwan Muffasil, of District Siwan.

... .. Petitioners

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
4. The District Magistrate, Siwan.
5. The Additional Collector, Siwan.
6. The Sub Divisional Officer, Siwan.
7. The District Education Officer, Siwan.
8. Principal, V.M. High School-Cum-Govt. Intermediate College, Siwan.
9. Chairman, Managing Committee, V.M. High School-Cum- Govt. Inter College, Siwan.

... .. Respondents

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**Appearance :**

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| For the Petitioner/s | : | Mr. Yogesh Chandra Verma, Sr. Adv.<br>Mr. Anuj Kumar, Adv. |
| For the Respondent/s | : | Mr. Arun Kumar Bhagat, AC to AAG-12                        |

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**and**  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)**

**Date : 15-07-2019**



Heard Mr. Yogesh Chandra Verma, learned Senior Counsel appearing for the petitioners with Mr. Anuj Kumar and Mr. Arun Kumar Bhagat, learned AC to AAG-12.

By way of this Public Interest Litigation the petitioner espouses the cause of the local residents of Mohalla Mahadeva falling within Thana No. 250, in the town and District of Siwan in so far as an exercise has been initiated by the district authorities in the Education Department to construct a boundary wall over Plot No. 325 of Khata No. 108 which according to the petitioners is a public road having length of about 250 feet and width of 18 feet with residential houses situated on either side.

The complaint of the petitioners is that once such boundary wall is constructed, there will be complete stoppage of movement for general public and as well would stop the movement of residents of the houses situated on either side.

Mr. Verma has been fair to inform that such cause has also been raised by some of the residents including some of the petitioners in T.S.No. 889/2017, wherein a prayer for injunction has been made to restrain the defendants from disturbing the movement on the public road.

Mr. Arun Kumar Bhagat, learned AC to AAG-12, informs that another title suit bearing T.S.No. 980/2017 has also been filed by some of the petitioners herein which again is pending in the court of Sub Judge, Siwan.

Mr. Verma has also been fair to inform this Court that the Supreme Court while considering such a situation where the issue has been raised before the Civil Court, has held that a Public Interest Litigation would not lie vide judgment reported in AIR 2010 SC 593 (**Santosh Sood vs. Gajendra Singh & ors.**). However, while making such submission he submits that appropriate direction be issued to the learned Sub Judge, Siwan for disposal of the matter.



Having heard learned counsel for the parties and considering the legal position as settled in the judgment of the Supreme Court in the case of **Santosh Sood** (supra) certainly we do not intend to express ourselves on the issue but having noted that the cause have been raised by the residents of the area by way suit filed in the year 2017 with injunction petitions pending, we would direct the learned Sub Judge, Siwan who is in seisin of the matter, to consider and dispose of the injunction petitions expeditiously and preferably within six weeks of the receipt/ production of a copy of this order.

With the observations above, we dispose of the writ petition.

**(Jyoti Saran, J)**

**( Partha Sarthy, J)**

Surendra/-

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| AFR/NAFR          | AFR        |
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