

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6652 of 2019

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Gaurav Kumar Singh son of Anjani Kumar Singh resident of Flat No. 302,
Shashi Sudama Niketan, Road No. 02, Rajendra Nagar, P.O. Rajendra Nagar,
P.S. Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The Chief Secretary, Government of Bihar Patna.
2. District Magistrate-cum- Collector Patna, Bihar at Patna.
3. Commissioner, Patna Municipal Corporation Patna, Bihar at Patna.
4. Secretary, Urban and Development Department Government of Bihar, Bihar at Patna.
5. Senior Superintendent of Police Patna, District- Patna.
6. Officer-in- Charge, Bahadurpur P.S. Bahadurpur, Patna.

... .. Respondent/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh
For the Respondent/s : Mr.Subash Prasad Singh (GA3)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)
Date : 22-12-2020

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

"(I) That the present writ application is being filed in the nature of Mandamus for a direction to the respondent authorities to stop the construction of commercial complex and from doing other commercial activities on the road of Rajendra Nagar (NagaArjuna Golambar to Bazar Samiti Road; as it is an encroachment on the road marked as 120 feet as per the map which has been initially designed.

(II) That the present writ application is being filed in the nature of Mandamus for a direction to the respondent authority specially the Commissioner, Municipal Corporation,



Patna at Bihar to stop the work of commercial complex and from doing other commercial activities in the residential area; as it will affect the health and the environment adversely, sanitation and other effects on the residents in the locality and will create traffic issues in the locality in the long run."

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation which the petitioner shall be filing for redressal of the grievance(s).

State has no objection to the same.

As such, petition is disposed of in the following terms:

The petitioner shall file a representation before the authority concerned within a period of eight weeks.

The concerned respondent is directed to consider and decide such representation expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

The proceedings, during the time of current Pandemic-Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in



accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing be afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rrajiv-

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

