

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5036 of 2020

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Durga Nath Jha S/o Late Navo Nath Jha, resident of Village- Mahatha, PS.-
Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Chairman, National Highway Authority of India.
3. The Principal Secretary, Road Construction Department, Government of Bihar.
4. The Engineer-in-Chief of Road Construction Department, Government of Bihar.
5. The Secretary, Urban Development Department, Government of Bihar.
6. The District Magistrate, Madhubani.
7. Project Director, National Highway Authority of India, Madhubani.
8. The Executive Engineer, N.H. Division Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hriday Kant Mishra, Advocate
For the Respondent/s : Mr. Raj Ballabh Pd. Yadav, A.A.G. 11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 05-03-2020 The petition filed on 04.03.2020 is listed for hearing
for the first time today before the Court.

This application has been preferred praying inter alia
for the following relief/s:

“For issuance of appropriate writ/writs,
order/orders, direction/directions to the respondents to
not to increase the height of the Road in course of
construction of N.H.104, which is passing through



Ladaniya Bazaar, Block-Ladaniya, District-Madhubani because raising height of the road will render the level of adjacent shops and residential houses down which would adversely affect the people for life long and for any other cause which may protect the people adjacent to N.H. 104 passing through Ladaniya Bazaar, Block-Ladaniya, District-Madhubani, from undue hardship in their life due to such construction of N.H.104.”

Considering the nature of grievance raised in the application, we are of the considered view that it would be appropriate if the petitioner were to first approach the respondent authorities by way of filing representation.

The present application is, accordingly, disposed of reserving liberty to the petitioner to file appropriate representation before the appropriate authority within a period of four weeks. If such a representation is filed by the petitioner within the time stipulated, the authority concerned is directed to consider the same and dispose it of expeditiously and preferably within a period of three months thereafter. Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petitions, if so required and desired.



With the aforesaid observations, this application is
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/uma/-

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