

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6992 of 2020**

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Raj Ballabh Bharti, Son of late Bhairav Bharti resident of Village- Pokhara,  
P.O.- Pokhara, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Old Secretariat, Bihar, Patna- 1.
2. The Chairman, National Highways Authority of India, Plot no. G-5 and 6, Sector- 10, Dwarka, New Delhi- 75.
3. The Project Director, Sri Ram Janaki Path, Siwan.
4. The Collector-cum- District Magistrate, Siwan.
5. The District Land Acquisition Officer-cum- Competent Authority, Collectriate, Siwan.
6. The Circle Officer, Maharajganj Block, At and P.O. and P.S.- Maharajganj, District- Siwan.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate  
Mr. Praveen Prabhakar, Advocate

For the Respondent/s : Mr.Lalit Kishor, A.G

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**CORAM: HONOURABLE THE CHIEF JUSTICE  
and  
HONOURABLE MR. JUSTICE S. KUMAR  
ORAL JUDGMENT  
(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 23-12-2020**

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

“To issue a writ of mandamus commanding



the respondent authorities to discharge their legal obligation to follow their earlier decisions as per survey done by them and to construct the National Highway 227A [Ayodhya (West) to Chakia (East)] Road, known as Sri Ram Janki Path, in between Village-Madhapur to Sisai straight without diverting it though Afrad Market and Karnpur Market, to save the houses of down trodden people of locality and shops of villagers and traders from demolition, situated in the said Markets, affecting their livelihood?”

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the Government level by the appropriate authorities.

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 respondent(s) to consider and decide the representation which the petitioner shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, within a period of four weeks, the respondent concerned shall consider and dispose



it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

Equally, liberty is reserved to the petitioners 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 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. All issues are left open.

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.

The petition stands disposed of in the aforesaid



terms.

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

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Ashwini/-

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