

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9436 of 2020

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Chandra Kishor Parashar @ Acharya Chandra Kishore Parashar Son of Late
Ram Bahadur Parashar, resident of Village - Dharbhara, P.S. Bochahan,
District - Muzaffarpur, presently residing at Senapati Bhawan, Parashar
Colony, New Area, Sikandarpur, P.S. Muzaffarpur Town, District -
Muzaffarpur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
2. The Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
3. The National Highway Authority of India through its Chairman, G-5 and 6, Dwarika, Sector No. 10, Delhi- 110075.
4. The Chairman, National Highway Authority of India through its Chairman, G-5 and 6, Dwarika, Sector No. 10, Delhi- 110075.
5. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
6. The Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
7. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
8. The District Magistrate, Muzaffarpur, District - Muzaffarpur.
9. The District Magistrate, Sitamarhi, District - Sitamarhi.
10. Ram Kripal Singh, Construction Private Ltd. through its Project Manager having its Project Office situated at Unsar Walia More, Bochahan, District - Muzaffarpur.

... .. 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.Vijay Kumar Singh, Adv & Mr. Santosh
Kumar, Adv
For the Respondent/s : Mr.Dr. K. N. Singh (ASG)

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

Date : 17-12-2020

Heard learned counsel for the parties.

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

“(I) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to stop the illegal cutting of trees standing which comes in the way of proposed construction of two land of National Highway 527C(from Majhauri to Choraut) by the construction company namely Ram Kripal Singh construction Private Ltd on the ground that the cutting of trees has been made by the construction company in gross violation of amended provision of Forest (Conservation) Act, 1980.

After the matter was heard for some time, learned counsel for the petitioners submit that petitioners shall be content if a direction is issued to the concerned respondents to consider and decide the representation which the petitioners 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 petitioners 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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners take 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 petitioners 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2021
Transmission Date	NA

