

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12301 of 2019

=====

Md. Alamgir S/o Md. Nasiruddin Biswas, Resident of Village- Basantpur,
P.S.- Amdabad, Distt.- Katihar Chairman Mukhiya Sangh Amdabad Block,
Distrit- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna
3. The Engineer-in-Chief, Rural Works Department, Govt. of Bihar, Patna
4. The Chief Engineer, Rural Works Department, Govt. of Bihar, Patna
5. The Bihar State Bridge Construction Corporation Limited, Govt. of Bihar, Patna through the Chairman.
6. The Chairman, Bihar State Bridge Construction Corporation Limited, Government of Bihar, Patna
7. The Managing Director, Bihar State Bridge Construction Corporation Limited, Government of Bihar, Patna
8. The Senior Project Engineer, Works Division, Katihar
9. The Divisional Commissioner, Purnea Division, Purnea
10. The District Magistrate, Katihar
11. The Deputy Development Commissioner, Katihar
12. The Executive Engineer, Rural Works Department, Works Division, Manihari, Katihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Ataur Rahman, Advocate
For the Respondent/s : Mr.Pushkar Narain Shahi (A.A.G. 6)

=====

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

Date : 08-12-2020



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

“That the petitioner is filing this writ petition by way of Public Interest Litigation before this Hon’ble Court against the order vide Memo No.1739 dated 01.03.2019 passed by the Chief Engineer, Rural Works Department, Govt. of Bihar (Respondent No.4) by which the representation filed by the petitioner as per order dated 07.01.2019 passed by the Hon’ble court in C.W.J.C.No.22176/2018, was rejected/partly allowed without any reasonable ground. Further respondent may be directed to construct a bridge and road over the river Ganga to connect south Karimullah Ward No.1 and 2 (Basantpur Mauza) situated within Amdabad Block to main Road NH 131A Hemchand High School under the Gram Tola Sampark Nischay Scheme.”

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 local level by the appropriate authorities.

We find that the interest of justice should be best served, if petitioner approaches the concerned respondent within a period of four weeks for venting out his all rights and grievances also pointing out issues of public interest, including the subject matter of the present petition.



Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

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 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)

chn/-

AFR/NAFR	
CAV DATE	
Uploading Date	16 .12.2020
Transmission Date	

