

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12373 of 2019

1. Raj Kumar Agrawal, Son of Late Laxman Das Agrawal,
2. Kshitiz Kaushal, S/o Sri Krishna Prakash Singh Keshari, R/o East Boring Canal Road, P.S.-Budha Colony, Distt-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Urban Development Department, Govt. of Bihar, Patna
3. The Commissioner, Patna Division, Patna
4. The District Magistrate, Patna
5. The Patna Municipal Corporation through its Municipal Commissioner, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Sharma, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha (AAG-7)

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

Date : 08-12-2020

Petitioners have prayed for the following relief(s):-

“1. (A) For issuance of a writ in the nature of declaration action of the State respondents and the patna Municipal Corporation in changing the structure of Boring Canal Road from Hartali More to Rajapur Pul after crossing Boring Road Chauraha in constructing vendee zone over covered drainage between two Road Side is against inactment of Bihar State vendors protection of livelihood and regulation of street vending Act, 2014 read Rule 26, 28, 30, 31, 32(7) of the Bihar State Street Vendors (Protection of



livelihood) and regulation of street vending Rule 2017 and chapter XXII section 193, 194, 195, 200 chapter XXV section 300, 310 of Patna Municipal Act, 2007 and Article 21 of the Constitution of India.

(B) Also for directing the respondents to not make any change structure over the covered drainage in constructing vending zone over the drainage existing between Hartali More to Rajapur Pul after crossing Boring Road chauraha in order to allow vendors for vending.

(C) Also for commanding the respondents to maintain the ecology and pollution traffic in not allowing in changing the structure between Hartali More to Rajapur Pul after crossing Boring Road chauraha any construction for vending zone over the drainage between Roads so that resident of Boring Road shall continue their life pollution free, air free, noise free, smooth Traffic.

(D) Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner is entitled in the eye of law.”

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 petitioners submits that petitioners shall be



content if a direction is issued to the concerned respondent(s) to consider and decide the representation which the petitioners shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, 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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners 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 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. 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)

Amrendra/Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.12.2020
Transmission Date	

