

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16588 of 2019

1. Anup Kumar Sharan, Advocate S/o Late Kalyan Kumar Sharan Resident of Muhalla Purnea Court Station P.S.- Khajanchi Hat, Dist.- Purnea.
2. Subodh Kumar Yadav S/o Late Kaleshwar Yadav Resident of Muhalla Purnea Court Station P.S.- Khajanchi Hat, Dist.- Purnea.
3. Uday Shankar Singh S/o Late Upendra Narayan Singh Resident of Muhalla Purnea Court Station P.S.- Khajanchi Hat, Dist.- Purnea.
4. Chandra Nath Mishra S/o Late Balbhadra Mishra Resident of Muhalla Purnea Court Station P.S.- Khajanchi Hat, Dist.- Purnea.
5. Er. Sanjay Kumar S/o Gopal Prasad Resident of Muhalla Purnea Court Station P.S.- Khajanchi Hat, Dist.- Purnea.
6. Bhim Roy S/o Late Gajju Roy Resident of Muhalla Purnea Court Station P.S.- Khajanchi Hat, Dist.- Purnea.
7. Kanhaiya Kumar Roy S/o Late Laddu Roy Resident of Muhalla Purnea Court Station P.S.- Khajanchi Hat, Dist.- Purnea.
8. Shiva Kumar Sah S/o Late Ramchandra Sah Resident of Muhalla Purnea Court Station P.S.- Khajanchi Hat, Dist.- Purnea.
9. Ajay Kumar Singh S/o Late Bhagwan Prasad Singh Resident of Muhalla Purnea Court Station P.S.- Khajanchi Hat, Dist.- Purnea.
10. Harischandra Gupta S/o Late Raju Gupta Resident of Muhalla Purnea Court Station P.S.- Khajanchi Hat, Dist.- Purnea.
11. Ajay Kumar S/o Sri Yogendra Prasad Resident of Muhalla Purnea Court Station P.S.- Khajanchi Hat, Dist.- Purnea.
12. Krishan Deo Mehata S/o Late Bhola Prasad Mehata Resident of Muhalla Purnea Court Station P.S.- Khajanchi Hat, Dist.- Purnea.

... .. Petitioner/s

Versus

1. The Union of India Its Ministry and Road and Transport, New Delhi.
2. The General Manager East Central Railway Hajipur.
3. The Divisional Railway Manager East Central Railway, Samastipur, District-Samastipur.
4. The A.E.N East Central Railway, Saharsa.
5. The Collector Purnea.
6. Proprietor name not known of M/s Raksha Associates 405A Gaziabad, State-Uttar Pradesh, Mobile No. 9810613277.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Kumar
For the Respondent/s	:	Mr.Lalit Kishore (Ag)
	:	Mr. Anshuman Singh



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

(Per: HONOURABLE THE CHIEF JUSTICE)

3 31-01-2020 Petitioners have prayed for the following reliefs :-

“(i) For issuance of a writ or mandamus commanding upon the respondents Purnia court station to PWD link road raising its height and also for direction to construct the saved damaged road at the same existing height by digging the same.

(ii) For the declaration that no any permission is required for the use of the same road by the local public and the other persons whose houses are constructed just by the side of the road.

(iii) For issuance of a writ or mandamus commanding upon the respondents to construct the road in question without raising the height of the road in view of the Hon’ble High Courts order reported 2010 (3) PLJR 998.”

Learned counsel for the respondent State invites the attention to the counter affidavit indicating that the road already stands constructed.

Faced with such a situation, learned counsel for the petitioners, on the instruction of the writ petitioners, seeks liberty to take all steps as are available otherwise, in accordance with law, including initiating contempt proceedings. It is clarified that we have not expressed any opinion on the merits



of the case, if the petitioners choose to do so in accordance with law. It is always open to the petitioners to do so, in accordance with law.

The writ petition stands disposed off in the aforesaid terms.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

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