

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16955 of 2019

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Gaurav Kumar Singh Son of Anjani Kumar Singh Resident of Flat No.-302,
Shashi Sudama Niketan, Road No.-02, Rajendra Nagar, P.O.- Rajendra Nagar,
P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar at Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Bihar at Patna.
3. The Secretary, Transport Department, Government of Bihar, Bihar at Patna.
4. The Managing Director, Bihar Urban Infrastructure Development Corporation, Bihar at Patna.
5. The Managing Director, Bihar State Road Development Corporation Limited, Bihar at Patna.
6. The Patna smart city limited through the Director.
7. The Commissioner, Patna Division, Patna, Bihar at Patna.
8. The District Magistrate-cum-Collector, Patna, Bihar at Patna.
9. The Commissioner, Patna Municipal Corporation, Patna, Bihar at Patna.
10. The Senior Superintendent of Police, Patna, District- Patna.
11. The Senior Superintendent of Traffic Police, Patna, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s	:	Mr.Yogendra Prasad Sinha (AAG 7)
		Mr. Lalit Kishore, Sr. Advocate
		Mr. Prasoon Sinha, Advocate
		Mr. Ravindra Priyadarshi, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2020

The petitioner prayed for the following relief:

- “ I. That the present writ application is being filed in the nature of Public Interest Litigation for the issuance of writ, order or direction in the nature of Mandamus for a direction to the respondent authorities to stop the construction of vending zone in the middle of the road near Hartali Mor area; on the ground that it is direct encroachment on the road in name of construction of vending zones as part of Patna City Smart Project;
- II. That the present writ application is being filed in the nature of Mandamus for a direction to the Respondent Authorities specially the Commissioner, Municipal Corporation, Patna at Bihar to stop the construction of vending zones in the middle of the road, on the roadside, land allotted for park, in parking area, etc in the city of Patna; as it will affect the environment adversely, and will create a traffic issue in the city of Patna, as it is already a big challenge in the city;
- III. And for issuance of any other relief or relief(s) for which the petitioner is entitled for.”

On 27th of August we passed the following order -



“Learned counsel for the petitioner prays and is allowed to make necessary correction in the cause title of the present case.

Counsel for the Municipal Corporation submits that the entire matter is being monitored in another Case being C.W.J.C. No. 15475 of 2016 (Vikash Chandra Guddu Baba Vs. The State of Bihar & Ors.).

In view of the above, let this case be listed along with the aforesaid C.W.J.C. No. 15475 of 2016.”

Since this Court is independently monitoring the issue, subject matter of the present writ petition, we are of the considered view that the interest of justice would best be met if the petition is disposed of reserving the liberty of the petitioner to invite attention of the authorities including respondent nos. 2 and 4, namely, The Urban Development and Housing Department, through the Principal Secretary, Government of Bihar, at Patna, The Transport Department, Government of Bihar, through The Secretary, Bihar at Patna and The Bihar Urban Infrastructure Development Corporation, through the Managing Director, Bihar at Patna of the issues.

We are assured that in case the petitioner ventilates his grievances, the same shall be considered and decided by the authorities as per law within a period of two months. Liberty reserved to the petitioner to approach this



court as also assist this court in matter already pending, if the
need so arises.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.12.2020
Transmission Date	

