

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14764 of 2017

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1. Raghvendra Kumar Singh, S/o Late Binda Singh, Resident of Rupaspur Sone Canal Road, West of Patliputra Junction P.S.- Rupaspur, Danapur, Patna, District- Patna.
 2. Om Prakash Ray, S/o Shiv Dutt Ray, Resident of Rupaspur Sone Canal Road, West of Patliputra Junction P.S.- Rupaspur, Danapur, Patna, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Road Construction Department, Patna through the Principal Secretary, Government of Bihar, Patna
3. The Managing Director, Bihar State Road Development Corporation, Bihar.
4. The District Magistrate, Patna.
5. The Chairman cum Managing Director, M/s Gammon India P Ltd. Mumbai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Advocate
Mr. Raghvendra Kumar Singh, Advocate

For the Respondent/s : Mr. Raj Balabh Prasad Yadav – AAG-13
Mr. Dinesh Maharaj, A.C. to AAG-13
Mr. Manish Dhari Singh, A.C. to A.A.G.



CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-07-2020

Heard learned counsel for the petitioners and learned counsel for the respondents.

Petitioners have prayed for the following relief(s):

“I. For issuance of writ in nature of mandamus, and/ or any other appropriate writ/ order/ direction for providing link/ connectivity to the residents who are residing by the west side of Rupaspur Sone Canal Road, which runs from Bailey Road to Gandhi Maidan - Digha Road. The residents who are residing the side of the Rupaspur Sone Canal Road have no alternative connectivity with any other road.

The Government of Bihar has decided to transform the Bandh of Canal in metallic road for the benefit of the Public at large, but respondents are acting arbitrarily and thereby depriving the residents of their fundamental rights of Easement and Movement by constructing a concrete boundary from both sides of the Rupaspur Sone Canal Road (Nahar- Bandh Road), which is about 2 feet high and M/s Gammon India (P)



Ltd. created an artificial ditch between the local residents and ongoing road project to get monetary benefits to pressurize the local residents.

II. For issuance of a writ to provide link/ connectivity from the newly constructing Nahar-Bandh Road (Rupaspur Sone Canal road) to the service road at a reasonable distance keeping in view the easy movements of residents in usual course or even at the time of emergency like health problem or natural calamity.

III. For granting any other relief / reliefs for which petitioners are entitled on the basis of facts as well as law.”

Without going into the question as to whether the present petition is really a Public Interest Litigation or a Private Interest Litigation, we are of the considered view that ends of justice will be best met if the State is permitted to complete the public work i.e. construction of the Rupaspur Sone Canal Road (Nahar-Bandh Road) undertaken by M/s Gammon India (P) Ltd. on behalf of the State. However, construction be not carried out in a manner to ensure that the ingress and egress of the house of the present petitioners, namely, Raghvendra Kumar Singh and Om Prakash Ray is not obstructed. We clarify that such right of ingress and egress would be by way of pedestrian path and not



for plying any sort of vehicle.

As such, as mutually agreed, the petition stands disposed of leaving it open to the petitioners to approach the respondent authorities venting out surviving grievance, if any, of which we are sure the appropriate authority shall take action in accordance with law.

Petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	07.07.2020
Transmission Date	

