

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16196 of 2017

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1. Vivekanand Sharma and Anr Son of late Modnarayan Sharma Resident of Mohalla- Satsang Nagar, Road No. 1, Lane No. 2, Jehanabad, Police Station- Jehanabad in the district of Jehanabad.
 2. Krishna Kumar Son of late Bindeshwar Singh Resident of Krishna Nagar, Raja Bazar, Jehanabad , Police Station- Jehanabad in the district of Jehanabad.

... .. Petitioner/s

Versus

1. The Union Of India.
2. The Secretary, Ministry of Road Transport and Highway, Transport Bhawan, New Delhi.
3. The Chief EngineerP-3, Ministry of Road Transport and Highway, New Delhi.
4. The Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
5. The Chairman, Railway Board, Rail Bhawan, New Delhi.
6. The Joint Secretary, Ministry of Railway, Government of India, New Delhi.
7. The Finance Advisor, Railway Board, New Delhi.
8. The Divisional Railway Manager, East Central Railway, Danapur, Patna, Bihar.
9. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
10. The Chief Secretary, Government of Bihar, Patna.
11. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
12. The Chief Engineer, Road Construction and Highway, Road Construction Department, Government of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Raj Ballabh Pd.Yadav Aag11

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 18-02-2020 Heard learned counsel for the Petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:-

(i) To direct the respondents to construct the Road over Bridge (herein after referred as ROB) above existing Road under Bridge (herein after referred as RUB) in Patna-Gaya Railway Line at Raja Bazar, Jehanabad on National Highway No. 110 for free flow traffic to connect the National Highway 110 to National Highway 83.

(ii) Also to direct the respondents to sanction the amount and also start process for construction of ROB over existing Road under Bridge in Patna Gaya Railway Line at 46KM. of National Highway 110 at Raja Bazar. Jehanabad.

On going though the counter affidavit dated 13.09.2018 filed by respondent Nos. 5 to 8, we find the respondents to have taken appropriate action. The relevant portion of the said counter affidavit is reproduced as under para 7, 8 and 9.

7. That with regard to the above mentioned prayer of the petitioner it relevant



to submit before this Hon'ble Court that an additional RUB at the said location has been requested by Ministry of Highway and Road Transport, for which Ministry of Highway and Road Transport (MOHRT) was requested to deposit the necessary fund to start and process the construction work on the said location.

8. That pursuant to the above request of the Ministry of Road Transport and Highways (MOHRT) deposited the required fund of Rs. 2,46,16,827/- through Executive Engineer, National Highway Division, Gaya on 16.01.2018 vide their letter No. W-15/40-70 dated 17.01.2018.

9. That after receiving the fund of Rs. 2,46,16,827/- Railway immediately swung into action and called a tender after fulfilling all formalities. The tender was opened on 29.01.2018 and after complying all necessary formalities like verification of credential etc. of eligible participant in tender the tender was awarded vide letter No. W-7/03/Misc/PNBE(L)/OPEN/2018-19 dated 06.04.2018 to one Mr. Amit Kumar.

As such, we find the present petition to have outlived its purpose and accordingly the writ petition stands disposed of reserving liberty to the writ petitioner to approach



the appropriate authority, for any surviving grievance, if any.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv/-

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