

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23800 of 2018

=====

Sanjeev Kumar Tulsyan Son of Sri Prahlad Rai Tulsyan Resident of Maya Ram Road, At P.O. P.S. Khagaria, District Khagaria.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Urban Development, Government of Bihar, Patna
2. The Collector, Khagaria.
3. The Sub Divisional Officer, Khagaria
4. The Nagar Parisad, Khagaria through its Chairman
5. The Executive Officer, Nagar Parisad, Khagaria, Dist Khagaria
6. Shri Maheshwar Prasad Singh resident of Baluaahi, Town and District Khagaria

... .. Respondents

=====

Appearance :

For the Petitioner	:	Mr. Alok Kumar Agrawal, Ms. Priya Gupta, Advocates
For the Respondents	:	Mr. Rakesh Chandra, AC to AAG11
For Nagar Parishad	:	Mr. Krishna Chandra, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 11.12.2018 is listed for hearing
for the first time today before the Court.

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

Petitioner has prayed for the following relief:

*“(i) For issuance of appropriate writ/
order/direction commanding the Respondents not to
raise the height of constructed road/lane and further to
bring the road to the level of existing Road/Lane
without raising the height thereof so that the rain water
does not enter in the shops/house/compound of the*



inhabitants of the area;

(ii) For issuance of appropriate writ/order/direction commanding the Respondents no. 6 the contractor to forthwith stop the construction work of the S.D.O Road, Khagaria Nagar Parisad as is being constructed in violation the directions issued by this Hon'ble Court;

(iii) For issuance of appropriate writ/order/direction commanding the respondents to reconstruct the roads which are being constructed in violation of the orders passed by this Hon'ble Court and specific direction issued by the respondent Deputy Secretary, Department of Urban Development, Government of Bihar in matters of reconstruction of roads;

(iv) For directing the Respondents to abide by the direction issued by the respondent Deputy Secretary, Department of Urban Development, Government of Bihar vide letter dated 10.07.2013 bearing no. 1597 issued in light of the order passed by this Hon'ble Court in the matter of raising of height of the roads above the plinth level of the houses and shops or above the existing roads, and/or for any other relief/reliefs as your lordship may deem fit in the facts and circumstances of this case."

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take



recourse to such alternative remedies as are otherwise available
in accordance with law.

We are hopeful that as and when petitioner 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.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

BT/-

U			
---	--	--	--

