

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7519 of 2017

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1. Public Interest Litigation Forum through Secretary Shashi Bhushan Kumar, Advocate, Son of Late J.K. Gupta resident of Lohiya Nagar, P.S. Kankarbagh, District Patna.
 2. Arti Kumari, Advocate, Daughter of Late H.N.P. Gupta, resident of Kankarbagh, P.S. Kankarbagh, District- Patna.
 3. Upendra Pratap Singh, Advocate, Son of Late Mushafir Singh, resident of North Krishanapuri, P.S. Patliputra, District- Patna.
 4. Arvind Kumar, Advocate, Son of Late J.No. Singh, resident of Lohiya Nagar, P.S.- Kankarbagh, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Bihar, Patna
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Director General of Police, Govt. of Bihar, Patna.
4. The Principal Secretary, Department of Transport, Government of Bihar, Patna.
5. The Divisional Commissioner, Patna Division, Patna.
6. The Senior Superintendent of Police, Patna.
7. The District Magistrate, Patna.
8. The Superintendent of Police, Traffic, Patna.
9. The Commissioner, Patna Municipal Corporation, Patna.
10. The Managing Director, South Bihar Power Distribution Company Ltd. Patna.
11. The General Manager, South Bihar Power Distribution Company Ltd. PESU, Patna.
12. The Managing Director, Pollution Control Board, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Shashi Bhushan Kumar, Advocate
For the S t a t e	:	Mr Prabhat Kumar Verma, AAG III with Mr Saroj Kr Sharma, AC to AAG III
For the Pollution Board	:	Mr Shivendra Kishore, Sr Advocate Mr Parijat Saurav, Advocate
For Respondents 10 & 11	:	Mr Vinay Kirti Singh, Sr Advocate with M/s Vijay Kr Verma, Akhileshwar Singh, Advocates



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR JUSTICE MADHURESH PRASAD**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

30 12-01-2021 Heard learned counsel for the petitioner and the respondents.

This public interest litigation has been pending since the last more than three and half years. Pursuant to the various orders and affidavits filed, during pendency of the same, this Court would observe that the complain of the petitioners regarding encroachments, obstructing vehicular movements, causing great inconvenience to the public has by now assumed different dimension, having regard to the various developments including construction of fly overs etc in the meantime. This order, however, may not be taken to be a certificate by this Court that today, there is free flow of traffic.

In view of the changed circumstances during pendency of the writ petition, this Court would grant opportunity to the petitioners to reassess the situation, identify the problem areas and approach the Authorities concerned highlighting the same. The Respondents, before whom the complain is made, would be under a legal obligation to consider



the same and this Court would expect that they would recognize the seriousness of the issue, being free flow of traffic as an essential facet of city living and the right of the citizens to move freely throughout the territory of India guaranteed under Article 19 (1) (d) of the Constitution of India.

The petitioner's counsel prays for and is granted liberty to approach this Court raising this issue by way of fresh action, in case the Authorities fail in their duty.

Having realized the seriousness of the issue, this Court would further observe that if the petitioners are compelled to approach this Court again, they may make a mention for urgent listing of the matter for its immediate consideration.

This writ application stands disposed of.

(Sanjay Karol, CJ)

(Madhuresh Prasad, J)

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