

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9988 of 2020

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Shubhanand Mukesh S/o- Sadanand Singh At Present R/o- Flat No.-12, RNS Tower, Rani Kudar Slope, Jamshedpur, P.S.- Singhbhum, State- Jharkhand, Permanent R/o- Chaudhary Tola, Thana Road, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and Highways, J-13, Tinmurti Lane, New Delhi-11.
2. The Chief Secretary State of Bihar, Patna.
3. The Principal Secretary Road Works Department, Bihar, Patna.
4. The District Magistrate Bhagalpur.
5. The Superintendent of Police Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anish Kumar, Advocate

For the Respondent/s : Dr. K. N. Singh, Addl. S.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-01-2021

Petitioner has prayed for the following relief(s):-

“(i) For directing the respondent authorities to expedite the construction of fully damaged National Highway-80 (Bhagalpur-Kahalgaon-Mirja Chauki) within time framed.

(ii) For further direction the respondent authorities to facilitate the construction agency to smooth functioning of their construction work.



(iii) For further direction the respondent authorities to remove the illegal encroachment from the National Highway-80.

(iv) For further direction the respondent authorities to enforce the strict provision of law regarding overloaded vehicles as well as timing of transportation from the National Highway.

(v) For any other relief or reliefs for which petitioner is entitled under facts and circumstances of this case.”

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the Government level by the appropriate authorities.

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 respondent(s) to consider and decide the representation which the petitioners shall be filing afresh for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner within a period of two months from today, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of



three months from the date of its filing along with a copy of this order.

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.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(Rajeev Ranjan Prasad, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	05.01.2021
Transmission Date	

