

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10856 of 2020**

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1. Sandeep Kumar Son of Balmiki Prasad Singh, resident of Mohalla Shivpuri, Ramchandarpur, P.S.- Lehri, Bihar Sharif, District - Nalanda.
2. Shree Chand Prasad Singh, Son of Late Basudeo Narayan, resident of Bari Pahadi, Mauza Pir Pahadi, P.S. Lehri, Bihar Sharif, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Patna Division, Patna.
5. The District Magistrate, Nalanda.
6. The Sub Divisional Magistrate, Bihar Sharif, District - Nalanda.
7. The Circle Officer, Block - Bihar Sharif, District - Nalanda.
8. The Municipal Commissioner, Bihar Sharif Municipal Corporation, Bihar Sharif, District - Nalanda.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Niraj Kumar, Advocate  
For the Respondent/s : Mr. Yogendra Pd. Sinha, Aag 7

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

**(The proceedings of the Court are being conducted through  
Video Conferencing and the Advocates joined the proceedings  
through Video Conferencing from their residence.)**

Date : 22-06-2021

Heard learned counsel for the parties.



The petitioners pray for following reliefs:-

This application, in form of public interest litigation, is being filed for directing the respondent authorities to conduct a preliminary enquiry and provide a public road to the residents of Mohallas, namely, Pir Pahari, New Nalanda Colony, Sainik Colony, Patel Nagar , Bari Pahari, Mauza- Pir Pahari, Bihar Sharif , District- Nalanda. These Mohallas situate north from Bazar Samiti and east from the Bypass but there is no public road to connect with main roads of city, which is also evident from the report of Circle Officer (Annexure-5).

In this regard the petitioners seek indulgence from this Hon'ble court to give options which the respondent authorities may consider while providing the public road for those localities.

i. The authorities may consider to provide a public road to those localities from Bihar Sharif Bypass. In this way, the Bazar Samiti, Bihar Sharif, which is spread in about 25 acres, has to dedicate about 150 meters long land from east to west, in northern side, ( i.e. from west end of the plot No.- 309 at east end to Bypass at west end) having throughout a width of about 5 meters, or

ii. The authorities may consider to left open 16" (sixteen feet) Boundary Wall of Northern portion of the Bazar Samiti (i.e. at end of the north of exiting road of the Bazar Samiti) to free ingress



and egress so that people of those localities may use the existing way of Bazar Samiti to connect with Bypass- Ramchandarpur Road, which they have been using since long.”

After the matter was heard for some time, learned counsel for the petitioners, under instructions, states that petitioners shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioners shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, 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.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioners shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order



preferably within a period of three months from the date of its filing along with a copy of this order;

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

(d) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioners take 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;

(f) Liberty reserved to the petitioners to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) 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, stands disposed  
of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Sanjay/-

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| AFR/NAFR          | NAFR       |
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