

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.928 of 2021

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Nawal Kishore Rai, aged about 73 years (M) Son of Gokula Rai, Resident of Village - Banu Chhapar, P.S. - Muffasil, District - West Champaran, Bettiah, at Present - Chairman of Sant Kabir Road, Vikash Union, Banu Chhapar, District - West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Addl. Chief Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Special Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, Road Construction Department, Government of Bihar, Patna.
5. The Superintending Engineer, Road Construction Department, Motihari.
6. The District Magistrate, West Champaran, Bettiah.
7. The Executive Engineer, Road Construction Department, Bettiah.
8. The Deputy Secretary, Vigilance, Road Construction Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Adv. Mr. Dhananjay Kumar Gupta, Adv. Mr. Rajiv Ranjan, Adv.
For the Respondent/s	:	Mr. Pawan Kumar, (AC to AG)

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

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

Date : 22-06-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“1. For issuance of a writ in the nature of mandamus for direction to respondent consider the application of the petitioner which was filed before the respondents for due enquiry regarding quality used for construction of the road from Oil Depot to Chhabni at Banu Chhapar, Bettiah, West Champaran road and construction of the Nala, in the said construction has been made by inferior quality of the material and have defalcation of the government money.

2. For further issue direction to respondents to made due enquiry about the construction of the road and nala from Oil Depot to Chhabni at Banu Chhapar, Bettiah, West Champaran.

3. For further give other legal consequential benefit to the petitioner.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the Executive Engineer, Road Construction Department, Bettiah to consider and decide the representation which the petitioner 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 petitioner, the Executive Engineer, Road Construction Department, Bettiah 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) Petitioner 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 petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioner 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)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.6.2021
Transmission Date	NA