

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3591 of 2021

Ashish Kumar son of Brijnandan Prasad resident of Mohalla- Loha Patti,
Sitamarhi Bazar, Main Road, PS- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner-cum- Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Engineer in Chief, Road Construction Department, Government of Bihar, Patna.
4. The Commissioner, Tirhut Division, Muzaffarpur.
5. The District Magistrate, Sitamarhi.
6. The Sub- Divisional Officer, Sitamarhi Sadar, Sitamarhi.
7. The Executive Engineer, National Highway Division, Sitamarhi.
8. The Executive Engineer, Road Construction Department, Sitamarhi.
9. The Chief Executive Officer, Nagar Parishad, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa,
Mr. Abu Nasar
Mr. Atul KumarJha
Mr. Musad Ashraf, Advocates

For the Respondent/s : Mr. Amit Kumar, GA 13

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 : 29-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(I) For issuance of writ in the nature of mandamus

commanding the respondents to forthwith stop the in-process



road construction between village Pamra to Mehsaul Chowk via Janaki Sthan, Sitamarhi City, PS- Sitamarhi, District, Sitamarhi, wherein the respondent authorities in complete violation of the guiding norms are directly repairing / constructing road without dismantling its upper layer or the required layer thereby unlawfully raising its height at least by six inches compared to the ground level of the surrounding areas.

(ii) For issuance of writ in the nature of mandamus commanding the respondents to permit resumption of construction / repair of the aforesaid road thereafter only in accordance with the law in strict obedience of the mandatory guidelines pertaining to the construction of roads.

(iii) For issuance of writ in the nature of mandamus commanding the respondents to initiate inquiry in the ongoing unlawful road construction in complete violation of the existing guidelines and proceed against all the erring officials/ persons, if malfeasance is found therein.

(iv) For grant of any other relief in the interest of justice, equity and good conscience.”

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 authority concerned 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 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) 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)

Sanjay/-

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

