

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3868 of 2022

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Yogendra Prasad Son of Sati Lal Prasad Resident of Vaishakhi Patti, Police Station- Town Motihari, Dist- Motihari, State- Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road and Construction Department, Government of Bihar, Patna, Bihar.
2. Principal Secretary Road Construction Division Bihishawarya Bhawan Bailey Road, Patna, Bihar.
3. Chief Engineer North Bihar Wing Road Construction Department, Darbhanga.
4. Superintendent Engineer Road Construction Division, North Bihar Circle, Muzaffarpur.
5. Executive Engineer, Road Construction Division, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Mithlesh Kumar Gupta, Advocate
For the Respondent/s	:	Mr. Amit Prakash, GA-13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 04-11-2022

Heard learned counsel for the parties.

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



- (i) For direction be issued to the respondents for the completion of the construction work in Motihari Town for the year 2013-14 estimated cost around Rs. 16,35,39,000.00 /- whereby where under passed by the government about the scheme construction and up gradation of road from Kuwari Chowk N H 21A, via Kenari Bazar, Panch Mandir Chowk, Gaza Gaddi chowk, gauri Shankar Middle School, Baniya Patti, N H 28A, Madhuban Chhawai, Dharam Samaj, Jamala Road, Chandi Athan, Gyan Babu Length 7.641 KM.
- (ii) For issuance of appropriate Writ in nature of Mandamus commanding the respondent's authorities to compliance order within fix time period.
- (iii) For any other relief or reliefs as Lordships may deem fit and proper in the facts and circumstances of the case .

Having heard learned counsel for the parties as also given thoughtful consideration to the pleadings on record, we are of the considered view that the petition can be disposed of with a direction to the Respondent No. 1, namely, the State of Bihar through Principal Secretary, Road and Construction Department, Government of Bihar, Patna, Bihar to immediately convene a meeting of all the stake-holders and ensure that the construction of road in question is completed at the earliest.

We may only point out that the work commenced in the year 2013-2014 and could not be completed only on account



of certain encroachments which ought to have been removed by the authorities in accordance with law.

Let needful be positively done within next three months.

Liberty reserved to the petitioner to approach the Court afresh, should the need so arise subsequently.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

Learned counsel for the State undertakes to communicate the order to the Respondent No. 1, namely, the State of Bihar through Principal Secretary, Road and Construction Department, Government of Bihar, Patna, Bihar for necessary compliance.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	11/11/2022
Transmission Date	

