

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.166 of 2022

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Md. Arshad Kamal, Son of Md. Yasin, Resident of 01, Baitus Salam College
Road Tajpur, P.S.- Tajpur District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Road Construction Department, Government of Bihar, Patna.
3. The Engineer in Chief cum Addition Commissioner cum Special Secretary Road Construction Dept. Government of Bihar, Patna.
4. The Executive Engineer Road Construction Dept. Road Division, Samastipur, District Samastipur.
5. The Collector Samastipur.
6. The Sub- Divisional Officer Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Choudhary, Advocate
For the Respondent/s : Mr.Uday Shankar Sharan Singh (Gp19)

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

Date : 22-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- (a) For direction to respondent to quash the letter No.578 which issued on dated 14.06.19 (Annexure-3) by Respondent No.4.
- (b) For direction the respondents authorities particularly to respondent no.4 & 5 to issue N.O.C. in favour of the petitioner for construction of A, B Retail Outlet at location, Plot No. (New) 102 & (Old) 524, Khata No. (New) 315 & (Old) 497, Mauza- Kasbe Ahar Block- Tajpur, Circle- Tajpur, District, Samastipur.
- (c) For a direction to the respondents to consider his grievance otherwise came to jeopardy his life due to huge monetary loss in business.
- (d) For issuance of any other writ/writs,

direction/directions, order/orders in the nature of mandamus and further for any other relief or reliefs for which the petitioner is entitled in the facts circumstances of the instant case ends of justice.”

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned, respondent no.4, the Executive Engineer Road Construction Dept. Road Division, Samastipur, District Samastipur 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 four 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 on 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 four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

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

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

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

(g) 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;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

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

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	23.03.2022
Transmission Date	NA