

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9805 of 2022

=====

Anuragini Kumari Wife of Sri Krishna Kumar Paswan, Resident of Village -
Jahangirpur, P.O.- Damodarpur, P.S. - Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna.
2. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Road Construction Department, North, Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna.
4. The District Magistrate, Muzaffarpur.
5. The Superintending Engineer, Road Construction Department, Road Anchal, Muzaffarpur.
6. The Executive Engineer, Road Construction Department, Road Division No. 1, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : M/s Anjani Kumar, AAG 4

Syed Iqbal Ahmad (SC 20),

Mahendra Pd. Verma, AC to SC 20

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)
Date : 03-11-2022

Heard learned counsel for the parties.

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



“1. That, the present writ petition is for issuance of an appropriate writ/writs in nature of mandamus for commanding and directing the respondents to grant NOC (No Objection Certificate) for opening a retail outlet (Petrol Pump) at within 6 km from Mahana Masjid on Kanti-Motipur Road towards Kanti, Block-Motipur within the district of Muzaffarpur in terms of communication dated 27.10.2020 issued by Divisional Retail Sales Head, Muzaffarpur Division Office Indian Oil Corporation Ltd. to the District Magistrate, Muzaffarpur without any further delay considering the timely consideration settlement of the claim and benefits are no longer a bounty rather it is a fundamental right of individual, however, action of authorities keeping the request pending caused a heavy loss and frustrates the cause of action unreasonably and for other necessary relief/ relief's to the basis of facts and circumstances of the case as stated, enumerated and discussed hereinafter.”

Shri Anjani Kumar, learned AAG 4, states that the petitioner's request for issuance of NOC stands rejected by the respondent no. 3, namely, The Chief Engineer, Road Construction Department, North Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna vide Letter No.1785 dated 18.08.2022.



Learned counsel for the petitioner states that the petitioner shall approach the authorities venting out the grievances including seeking review of such action.

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 i.e. respondent no. 4 District Magistrate, Muzaffarpur, 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) A 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;

(j) The proceedings 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)

(Partha Sarthy, J)

Spd/-Ashwini

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.11.2022
Transmission Date	

