

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.704 of 2019

In
Civil Writ Jurisdiction Case No.8577 of 2019

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Upendra Narayan Singh Son of Late Daroga Singh R/o Village-Ramdiri Tola-Loverchak, P.S. Matihani, District-Begusarai, at present residing at Mohalla-Pokharia, Bari Pokhar, Near L.I.C. Office, P.S. Begusarai, District Begusarai
... .. Appellant.

Versus

1. Union of India through Secretary, Department of Road Transport and Highway, Ministry of Shipping, Road Transport, Government of India, New Delhi
2. The Chairman National Highway Authority of India Corporation, 5 and 6 Sector-10, Dwarka, New Delhi
3. Regional Officer National Highway Authority, Bihar D-63, first Floor, Rajesh Kumar Path, S.K. Puri, Patna
4. The Executive Engineer National Highway Division, Road Construction Department, Khagaria
5. The Project Director National Highway Authority, Project Instrument Unit, Harpur, P.O. and P.S. Tilrath, District Begusarai

... .. Respondents.

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Appearance :

For the Appellant/s : Mr. Srinandan Prasad Singh, Advocate
Mr. Sanjeeb Kumar Sanju, Advocate
For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

4 07-03-2022 Heard Mr. Srinandan Prasad Singh, learned Senior Advocate for the appellant. There is no representation on behalf of the respondents.

The writ petition preferred by the appellant was dismissed at the threshold solely on the ground that the appellant had invoked the provisions of Section 80 of the Civil Procedure Code, 1908 (hereinafter, referred to as 'CPC').



We are not in agreement with the aforesaid observation of the learned Single Judge. Notwithstanding the invocation of provisions of Section 80 CPC, any writ petition would otherwise be maintainable before this Court if the facts so demand.

Be that as it may, we do not pass any order setting aside the aforesaid order as we have no facts before us to direct the appellant to approach the learned Single Judge again for the redressal of his grievances.

However, we do find it expedient that in case the appellant has any claim against the respondents, he can agitate those before the competent authority who would be under an obligation to hear out the appellant and decide the issue.

With the aforesaid observation, this appeal stands disposed of.

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

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