

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20112 of 2021

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Sunil Kumar Sah S/o Ram Chandra Sah, R/o Village Sonvarsha Raj, P.S.
Sonvarsha Raj, District - Saharsa.

... .. Petitioner/s

Versus

1. The Union of India through the Principal Secretary National Highway Authority of India.
2. The Chairman, National Highway Authority of India, New Delhi.
3. The Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
5. The Commissioner, Koshi Division, Saharsa.
6. The District Magistrate, District - Saharsa.
7. The SDO, District - Saharsa.
8. The Land Acquisition Officer, District - Saharsa.
9. The Circule Officer, Sonvarsha, District - Saharsa.
10. The Officer-in-charge, Sonvarsha Raj, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar Giri, Advocate
For Resp. Nos.1, 2 and 11:		Mr.Dr. K.N. Singh, ASG
		Mr. Dr. Maurya Vijay Chandra, Advocate
For the State		Mr. Lalit Kishore, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(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.)

2 07-01-2022 Petitioner has prayed for the following relief(s);

“That this is an application in the nature of
“PUBLIC INTEREST LITIGATION” is being



filed before this Hon'ble High Court on behalf of the aforesaid petitioner for issuance of a writ in the nature of 'prohibition" whereby and whereunder commanding and directing the state respondents hereinabove to shift / divert the alignment of the Maheshkut Purnia NH-107 (hereinafter referred to as "Road") for the purpose of widening the same from Sonvarsha Dehad More to the Hanuman Ji Temple falling within Sonvarsha Raj, Circle Sonvarsha, P. S. Sonvarsha, District Saharsa and further prayer of the petitioner hereinabove to command and direct the state respondents to comply/honour the satellite mapping dated 17.11.2021 prepared by under the supervision of the Sub Divisional Officer, Saharsa by which the demarcation for the widening of road was made avoiding the dense inhabitation of the local people and the local market; and further prayer of the petitioner is for issuance of an appropriate writ/ writs in the facts and circumstances of the instant writ petition."

On the oral request, learned counsel for the petitioner is permitted to implead the Regional Officer, N.H.A.I., Bihar, Patna as party respondent No. 11.

Registry to make necessary correction in the Memo. of parties, both in the digital and physical file.

Learned A.S.G. along with Shri Dr. Maurya Vijay Chandra, appears both on behalf of Union of India and respondent No. 11.

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 Respondent



No. 11, namely The Regional Officer, National Highway Authority of India, Bihar, Patna, to consider and decide the fresh representation to be filed within a period of four weeks, within a period of three months from the date of its presentation.

Prayer allowed.

The present petition is, accordingly, disposed of as withdrawn reserving liberty to the petitioner to file appropriate representation before the appropriate authority within a period of four weeks from today. If such a representation is filed by the petitioner within the stipulated time, the authority concerned is directed to consider the same and dispose it of expeditiously and preferably within a period of three months thereafter. The officer shall pass a speaking order assigning reasons within a period of three months thereafter;

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to challenge the order, should the need so arise subsequently.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available



in accordance with law.

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.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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