

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1686 of 2023

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Lavkush Anupam Son of Late Lakshman Singh Resident of Village-
Akhlaspur, Police Station- Bhabua, District- Kaimur, Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800001.
2. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800001.
3. The Secretary, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800001.
4. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800001.
5. The Executive Engineer, Road Construction Department, Work Division, Bhabua, Kaimur.
6. The Engineer-in-Chief, Rural Works Department, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800001.
7. The Executive Engineer, Rural Works Department, Works Division, Bhabua, Kaimur.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Respondents : Mr. Amit Prakash, GA-13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 03-04-2023

The instant writ application has been filed as a Public Interest Litigation seeking issuance of a direction to the Respondent-Authorities for constructing the road, namely, Kaimur Stambh to Hawaii Adda Road in Bhabua at Kaimur. The petitioner has prayed that a direction be issued to make requisition in terms



of the Land Acquisition Law and the Rules for acquiring the land in terms of the proposal for the purpose of construction of the road.

2. The respondent No.5 in the Road Construction Department has filed a counter affidavit taking a stand that grievance has been raised for construction of a road which comes under the jurisdiction of the Rural Works Department. Having said so, it is also the specific stand that one Bypass road i.e., Bhabua Bus stand to Jai Prakash Chowk has already been constructed, on which smooth communication is available.

3. The respondent Nos. 6 and 7 in the Rural Works Department have filed a separate counter affidavit. They have stated that they have taken steps for construction and maintenance of a portion of the road (350 Meters length). The detail project report under the Bihar Rural Road Maintenance Policy, 2018 has been prepared and forwarded for administrative approval by Annexure-C (communication dated 12.07.2022 bearing letter No. 513). They have, thus, asserted to have taken steps for the stretch of the road which comes under their jurisdiction, and as such, petitioner's grievance, insofar as respondents in the Rural Works Department is concerned, has been taken care of.



4. Considering the rival submissions, we find that this is not a case where people are suffering due to any area being inaccessible. Though further development of a road or road connectivity is an important facet of convenience for general public at large, we cannot loose sight of the fact that the issues brought before this Court, by way of instant Public Interest Litigation, has been given due attention by the Authorities, which is apparent from the affidavits. The Government must be allowed to proceed with the matter for which administrative approval has been sought as per due priority of the road in-question having regard to various administrative and financial issues, which are essentially matters of executive policy.

5. We, therefore, do not find it a fit case to proceed any further. The proceedings are thus closed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06-04-2023
Transmission Date	

