

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1422 of 2021

In
Civil Writ Jurisdiction Case No.9004 of 2020

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1. Navin Nikunj Son of Late Prof. Dr. Ram Ekbal Singh Residents of Mohalla New Mithila Colony, Nasriganj, P.S. - Danapur, District - Patna.
 2. Amit Kumar Son of Arjun Lal Das Residents of Mohalla New Mithila Colony, Nasriganj, P.S. - Danapur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Housing and Urban Development.
2. Mr. Anand Kishor, the Principal Secretary, Department of Housing and Urban Development, Government of Bihar, Patna.
3. Mr. Amrit Lal Meena, Principal Secretary, Department of Road Construction, Government of Bihar, Secretariat, Patna.
4. Dr. Chandra Shekhar Singh, the Collector, Patna.
5. Danapur Nagar Parishad, Danapur, through its Executive Officer.
6. Mr. Sushil Kumar, the Executive Officer Danapur Nagar Parishad, Danapur, Patna.
7. Dr. Anu Kumari The Chairman, Danapur Nagar Parishad, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nagendra Rai, Advocate
For the Opposite Party/s	:	Mr. P.K. Shahi, Advocate General assisted by Mr. Amit Prakash, GA 13
For Nagar Parishad	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

9 04-10-2023 The present M.J.C./contempt petition is filed for non-compliance of the order dated 08.12.2020 passed in C.W.J.C. No. 9004 of 2020.



Mithila Colony, bearing Ward No. 33 under Danapur Nagar Parishad, Patna. There were certain issues relating to who has to undertake such construction of road, whether Department of Road Construction or Nagar Parishad, Danapur. During pendency of the present contempt petition, Nagar Parishad, Danapur has filed an affidavit to the extent that they would undertake the road construction insofar as New Mithila Colony, Patna. In this regard, project report has been approved. The next stages are relating to floating of NIT and consequential proceedings. In this regard, from paragraph Nos. 8 and 9 of the supplementary show cause filed on behalf of opposite party Nos. 5 and 6 on 20.09.2023 along with Annexures R1, R2 and R3, it is evident that Nagar Parishad, Danapur is undertaking the construction of aforementioned road.

3. Learned counsel for the petitioner submitted that show cause is not covering the respective area to the extent that it should have 1300 to 1400 meters. In other words, it is less than 1300 to 1400 meters. These are all disputed issues which could not be adjudicated in the contempt of Court proceedings. Moreover, there is no specific direction as to what extent road construction would be undertaken and other things, therefore, the aforementioned contention of the petitioner cannot be



adjudicated in the present proceedings.

4. Accordingly, the present contempt petition stands dropped reserving liberty to the petitioner to file interlocutory application to recall the present order if the road construction undertaken by the Nagar Parishad, Danapur is not completed within time as undertaken in the affidavit of the respondents.

5. Further, liberty is given to the petitioner to file representation insofar as stretch of the road which was required to be constructed as contended that the road construction should have been 1300 to 1400 meters. In this regard, petitioner is hereby directed to file a detailed representation to the competent authority in the Nagar Parishad, Danapur within a period of two weeks from today. On such representation, the concerned authority in Nagar Parishad, Danapur is hereby directed to examine about the feasibility of construction of the road to the extent of 1300 to 1400 meters. In this regard, if there is no feasibility, in that event necessary detailed speaking order shall be passed and communicated to the petitioner. If the petitioner still feels aggrieved, he is at liberty to file fresh writ petition.

6. At this stage, we noticed that there is delay insofar as taking of decision in respect of road construction for more than one year. In view of these facts and circumstance, we are of



the view that petitioners are entitled to litigation cost and it is quantified @ Rs. 10,000/- (Rupees Ten Thousand). Cost shall be paid to the petitioners by both the respondents – Nagar Parishad, Danapur and Road Construction Department at Rs. 5,000/- (Rupees Five Thousand) each, within a period of two months from the date of receipt of this order. For non-payment of cost if any, petitioners are at liberty to file I.A.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

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