

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2438 of 2016

In
Civil Writ Jurisdiction Case No.13454 of 2015

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Shiv Kumar Yadav @ Sardar Jee Son of Ram Briksha Yadav, resident of village - Kosut, P.S. Dipnagar, Distt. - Nalanda, Vice President Congress Committe, Nalanda.

... .. Petitioner/s

Versus

1. Anjani Kumar Singh and Ors.
2. Pankaj Kumar, Principal Secretary Road Construction Department, Vishweshwaraiya Bhawan, Patna Govt.
3. Mr. Chatanya Prasad, Principal Secretary, Bihar Urban Development and Housing Department Vikas Bhaw
4. Tyag Rajan, District Magistrate, Nalanda.
5. Sudhir Kumar, Sub - Divisional Officer, Bihar Sharif, Nalanda.
6. Kaushal Kumar, Nagar Aukta, Nagar Nigam, Bihar Sharif, Nalanda.
7. Vikash Kumar, Superintending Engineer, Bihar Rajya Jal Parshad, West Boring Canal Road, Patna.
8. Tanuja Devi, W/o Ranjay Kumar Verma, Ward Aukta, Ward No. 44, Bihar Sharif Nagar Nigam, resident of Mohalla - Paharpur, Post - Biharsharif, Distt. - Nalanda.

... .. Opposite Party/s

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with
Miscellaneous Jurisdiction Case No. 3335 of 2016
In
Civil Writ Jurisdiction Case No.13454 of 2015

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Shiv Kumar Yadav @ Sardar Jee Son of Ram Briksha Yadav, resident of village - Kosut, P.S.- Dipnagar, Distt. - Nalanda, Vice President Congress Committe, Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through, Anjani Kumar Singh, The Chef Secretary, Govt. Of Bihar, Old Secretaria
2. Pankaj Kumar, Principal Secretary Road Construction Department, Vishweshwaraiya Bhawan, Patna Govt.
3. Mr. Chatanya Prasad, Principal Secretary, Bihar Urban Development and Housing Department Vikas Bhaw
4. Tyag Rajan, District Magistrate, Nalanda.
5. Sudhir Kumar, Sub - Divisional Officer, Bihar Sharif, Nalanda.



6. Kaushal Kumar, Nagar Aukta, Nagar Nigam, Bihar Sharif, Nalanda.
7. Vikash Kumar, Superintending Engineer, Bihar Rajya Jal Parshad, West Boring Canal Road, Patna.
8. Tanuja Devi, W/O- Ranjay Kumar Verma, Ward Aukta, Ward No. 44, Bihar Sharif Nagar Nigam, resident of Mohalla - Paharpur, Post - Bihar Sharif, Distt. - Nalanda.

... .. Opposite Party/s

Appearance :

(In Miscellaneous Jurisdiction Case No. 2438 of 2016)

For the Petitioner/s : Mr. Awadhesh Prasad Sinha, Advocate
For the Opposite Party/s : Mr. Sanjay Prasad, AC to AAG -4
For the BMC : Mr. Gyan Prakash Ojha, Advocate

(In Miscellaneous Jurisdiction Case No. 3335 of 2016)

For the Petitioner/s : Mr. Awadhesh Prasad Sinha, Advocate
For the Opposite Party/s : Mr. Sanjay Prasad, AC to AAG -4
For the BMC : Mr. Gyan Prakash Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 20-04-2023

MJC Nos. 2438 of 2016 and 3335 of 2016 have been heard together and are being disposed of by this common order.

In both the petitions, Mr. Awadhesh Prasad Sinha learned Advocate has appeared on behalf of the petitioner, whereas Mr. Gyan Ojha has appeared on behalf of the Bihar Sharif Municipal Corporation. The State has been represented in both the petitions by Mr. Sanjay Prasad.



A Public Interest Litigation was filed by one Shiv Kumar Yadav @ Sardar Ji, seeking a direction to the authorities to stop the construction work of a water tank forthwith on a portion of land which was acquired by the PWD/Road Construction Department for widening of the road running from Bakhtiyarpur to Biharsharif.

An *ad-interim* order was passed by the Bench on the first, date directing for stoppage of all construction activity till further orders. Later, the Road Construction Department appeared before the Bench and submitted that the construction of the Water Tower was not on the land which was acquired for the purposes of widening of road between Bakhtiyarpur to Biharsharif and that sufficient space is available to the Road Construction Department for the aforesaid purpose viz. the widening of the road for which the land had been acquired.

This statement appears to have been accepted as correct and the writ petition was closed with a direction that over the land acquired for the purposes of widening of



the road between Bakhtiyarpur to Biharsharif, there shall be no other construction except carrying out the process of the widening of the road.

The contention of Mr. Awadhesh Prasad Sinha is that the Water Tower has been constructed.

We fail to understand how a contempt petition would be maintainable especially when there was no order for stoppage of construction of Water Tower which the Bench was made to understand, was being constructed not on the land meant for widening of the road, but on a land contiguous to it.

Construction of Water Tower also was necessitated for supplying potable water and in the fact scenario when such construction had not been carried out on the land meant for widening of the road, there is no breach of any one of the directions of the Writ Court dealing with the concerned Public Interest Litigation.



Thus, finding no reason to issue any contempt notice, we consign the records and dispose of the contempt petitions.

(Ashutosh Kumar, J)

(Harish Kumar, J)

krishna/manoj

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2023
Transmission Date	NA

