

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12930 of 2022

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Laxmi Niwas Poddar, S/o Dwarika Prasad Poddar, Resident of Ashirvad Ashram, Khajpura, Bailey Road, Patna-800014, India.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Patna.
3. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Visheshwariya Bhawan, Patna.
4. The Commissioner cum Secretary, Road Construction Department, Government of Bihar, Visheshwariya Bhawan, Patna.
5. The Engineer in Chief, Road Construction Department, Government of Bihar, Visheshwariya Bhawan, Patna.
6. The Executive Engineer, Road Construction Department, Government of Bihar, Visheshwariya Bhawan, Patna.
7. The District Magistrate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anshuman Singh, Advocate
For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-04-2023

The petitioner by the above writ petition ventilates the grievance of the public regarding the hardship caused to the owners of buildings situated on the sides of the roads in Bihar, the height of which is arbitrarily raised when maintenance is carried out. The level of the building on the sides of the roads brings down the plinth level considerably, resulting in water logging also due to



the absence of proper drains.

2. It is seen that a similar grievance was agitated before this Court wherein Annexure-1 judgment dated 19.04.2010 was passed. This Court had issued certain directions which were recorded on the concession given by the learned Advocate General, Engineer-in-Chief of Road Construction Department and the Chief Engineer of the Urban Development Department. Again the matter was agitated before this Court in yet another writ petition wherein Annexure-2 judgment dated 23.11.2020 was passed. Therein the Division Bench specifically noticed the earlier judgment of this Court and also recorded the submissions of the learned Additional Advocate General that departmental proceedings were initiated against some delinquent employees, who had failed to comply with the earlier directions issued. Yet another writ petition was moved by the petitioner herein, which was also disposed of by Annexure-3 Judgment dated 10.01.2022 in which liberty was granted to make representation before the authorities, which was also directed to be disposed of in accordance with law.

3. The petitioner immediately after Annexure-3, approached the District Magistrate, Patna by Annexure-5. An order dated 14.03.2022 was passed by Annexure-5, by which the District Magistrate constituted an expert panel. Again representations were



filed by the petitioner projecting the very same grievance.

4. The petitioner in the present case only points out the very same procedure having been followed in Dak Bungalow to Saguna More, Bailey Road within the town of Patna. Successive writ petitions and representations cannot be filed by a person even if the grievance persists despite direction issued by this Court. We also notice that the authority in the present case had acted upon the representation and the petitioner does not have any case as to how Annexure-5 order is inadequate to meet the specific problem pointed out by the petitioner. In any event, we are seized of the very same issue in another matter wherein both the State and the Central Government are parties.

5. We find no reason to entertain the present writ petition filed for the very same relief agitated earlier by the very same petitioner. In such circumstances, we close the writ petition.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	17.04.2023
Transmission Date	

