

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5520 of 2024

1. Vijay Bhasin, S/o Late Puran Chand Bhasin Resident of Mohalla- Rajendra Nagar, Road No.- 6, P.S.- Kadam Kuan, District- Patna.
2. Shankar Kumar Khemka, S/o Late Keshar Deo Khemka Resident of Mohalla- Muradpur Opposite P.M.C.H. Ashok Rajpath, P.S.- Pirbhore, District- Patna.
3. Amar Choudhary, S/o Atna Ram Choudhary Resident of Mohalla- Bhartiya Bastralaya, Opposite Womens Hospital, Ashok Raj Path, P.S.- Pirbhore, District- Patna.
4. Rajeev Kumar Gupta, S/o Krishna Das Gupta Resident of Mohalla- Jay Store Opposite Eye Hospital, Muradpur, Arya Kumar Road, Bankipore, Patna- 800004.
5. Arun Kumar Gupta, S/o Om Prakash Gupta Resident of Mohalla- A.K. Sen Path Kazipur Bankipore, P.S.- Pirbhore, District- Patna.
6. Vinod Kumar, S/o Rajendra Prasad Resident of Mohalla- Natraj Gali, Bakarganj, P.S.- Pirbhore, District- Patna.
7. Devanand Kumar Sharma, S/o Ram Pravesh Sharma Resident of Mohalla- Pahter ki Masjid, Tekari Road, Mahendru, P.S.- Sultanganj, District- Patna.
8. Rajendra Arora, S/o Late Shri Ram Narayan Arora Resident of Mohalla- Shubhraj Fast Food, Ashok Rajpath, Muradpur, Opposite P.M.C.H. Patna, P.S.- Pirbhore, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Govt. of Bihar, Patna.
2. Additional Chief Secretary, Road Construction Department, Bihar, Patna.
3. Collector, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. P.K. Shahi, A.G.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 28-06-2024

No one appeared on behalf of the petitioner. The matter was thus kept aside and called after some time, but again there



is none to represent the petitioners. Learned Counsel for the State is present.

2. The petitioners, shop holders/owners and residents of Ashok Rajpath Road, have filed the writ petition by way of a Public Interest Litigation, seeking a direction upon the respondents not to construct road in Ashok Rajpath by increasing its height than the previous road as the same will cause water-logging on all the places adjacent to the newly constructed road.

3. The averments made in the writ petition also suggest that the work of over-bridge is going on, by the State Government through contractors and in such process the side roads have been constructed by increasing the height by more than 8 to 10 inches above the previous roads height, due to which the footpath has gone down and all sewage, main holes also got sealed and the sewage water is flowing on the side of the road causing serious trouble to the passers-by and the shop holders/residents of the locality.

4. A counter affidavit is filed on behalf of the respondent no. 2. Categorical contention has been made that no new road has been constructed over the Ashok Rajpath. The construction of double decker bridge is in process and only for



regulating traffic service, temporary road has been constructed on left/right side of on-going construction work.

5. It is further contended that only for the time being to ease out traffic and water-logging, concrete road has been constructed which would be dismantled later on and bituminous road would be constructed at the existing level of road. Reference has also been made to Annexure -R-2/A, of the counter affidavit, a letter issued by the Additional Chief Secretary, Road Construction Department, Government of Bihar instructing the concerned authorities not to raise the level of road, keeping in view the various direction of the Hon'ble Court.

6. Learned Advocate for the State adverting to the aforesaid facts submitted at the Bar that there is no question of raising the height of the road at the inconvenience of general public. Though he fairly submits that since both sides of the Ashok Rajpath is inhabited by private houses and shops, there is lot of water pipe/tap on both sides causing some water flow on the road.

7. Considering the categorical submissions of the learned Counsel for the State and the averments made in the counter affidavit, specially the letter issued by Road



Construction Department, the present Public Interest Litigation
does not warrant any interference.

8. Accordingly the writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04-07-2024
Transmission Date	NA

