

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 928 of 2023

Petitioner :- Mo. Rasid

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil Sectr. Lko. And Others

Counsel for Petitioner :- Vishwanath Pratap Singh

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned Counsel for the petitioner, learned Standing Counsel for the State-respondents and Shri Mohan Singh, learned Counsel for respondent no.6-Gram Panchayat.

2. The following order was passed by this Court on 26.10.2023 :-

"1. Although temporary bridge for facilitating the transportation of public has been laid, but for constructing a permanent culvert some permission from the Irrigation Department is stated to be necessary.

2. Learned Standing Counsel prays for and is granted a week's time to obtain definite instructions as to the period within which such a permission may be granted by the competent authority of Irrigation Department, i.e. Executive Engineer Irrigation, Flood Division, Barabanki - respondent party no.5.

3. List/put up on 06.11.2023 in the list of fresh cases.

4. The Executive Engineer Irrigation, Flood Division, Barabanki- respondent no.5 shall carry out a survey and shall submit a report on the next date of listing as to why the permission has not been granted so far.

5. In case a request for permission is not forwarded by the

Gram Panchayat, necessary measures in this regard be taken at the earliest.

6. The Executive Engineer Irrigation, Flood Division, Barabanki- respondent no.5 shall appear in person on the next date if permission remains held for no valid reason"

3. Today when the case was taken up, instructions have been placed before us by learned Standing Counsel for the State as well as by learned Counsel for respondent no.6. The same are taken on record.

4. Shri Shashikant, Executive Engineer, Irrigation, Flood Division, Barabanki - respondent no.5 is also present in person. It is informed that 'No Objection' certificate for construction of culvert/small bridge has already been granted in favour of the Gram Panchayat. It is assured that necessary monitoring regarding the construction of culvert/small bridge in question shall as per requisite standard be carried out by the departmental authorities so that the villagers do not face any further difficulty in the matter of transportation across the village.

5. Shri Mohan Singh, learned Counsel appearing for respondent no.6-Gram Panchayat has stated that once the 'No Objection' certificate is granted in favour of the Gram Panchayat, necessary steps for construction shall be carried out at the earliest.

6. We direct the District Authority to make necessary budgetary sanction for the construction of culvert/small bridge in question within a period of one month and the Gram Panchayat shall proceed with the construction of culvert/small bridge in question at the earliest. In the event of any delay in the matter

of sanction of budget for construction of culvert/small bridge, it shall be open to the Gram Panchayat to make an application in the present case so that necessary orders are passed to serve the general public interest on the question involved herein. Since 'No Objection' certificate for which relief was sought has already been granted in favour of the Gram Panchayat, the grievance raised stands redressed and the purpose served.

7. With the observations as above, the present public interest litigation stands **disposed of** accordingly.

(Om Prakash Shukla, J.) (Attau Rahman Masoodi, J.)

Order Date :- 6.11.2023

Anand Sri./-