

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21682 of 2014

With

Interlocutory Application No. 9635 of 2014

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1. Ram Niwas Prasad S/o Late Harihar Singh, Village Maksushpur, P.S. Islampur, District Nalanda.
 2. Ram Jay Pal Kumar S/o Arjun Prasad, Resident of Village Kalyanpur Bigha Par, P.S. Islampur, District Nalanda.

.... Petitioners

Versus

1. The Union of India through the Secretary, Dept. of Rural Development, New Delhi.
2. Secretary, Deptt. of Rural Development, Union of India, New Delhi.
3. The State of Bihar through the Principal Secretary, Rural Works Department, Govt. of Bihar.
4. Principal Secretary, Rural Work's Department, Govt. of Bihar, Patna.
5. Engineer in Chief cum Addl. Commissioner cum Spl. Secretary, Rural Works Dept. Govt. of Bihar (Patna).
6. The Collector, Nalanda.
7. District Development Commissioner (DDC), Nalanda.
8. Chief Engineer, Rural Works Department, Govt. of Bihar, Patna
9. Sup. Engineer Rural Work's Division Nalanda, District Nalanda.
10. Ex. Engineer Rural Work's Division Hilsa, District Nalanda.
11. Assistant Engineer Rural Work's Sub Division, Work's Division, Islampur.
12. Junior Engineer Rural Work's Department, Work's Branch Islampur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No-2

For the Respondent/s : Mrs. Namrata Mishra, GA 13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-02-2015

This writ petition is filed with a prayer to direct the respondents to construct a pucca road from Sohjanna-Kalyanpur indicated by 'C' (in Annexure-1) to Laranpur via Village Kalyanpur-Sohjanna More, Kalyanpur Bigha Par, Maksuspur, Patwari Nagar and Sakari.

The 1st petitioner claims to be the Mukhiya of Sakari

Gram Panchayat and the 2nd petitioner is a villager of Kalyanpur Bigha. They submit that under the Prime Minister Gramin Sadak Yojna, a road is being constructed to connect Islampur with village Laranpur. According to them, the road is being constructed in such a way that it does not connect any other village at all, and if it is constructed through the places indicated by them it would be useful. It is also their case that construction of the road is contrary to the scheme framed by the Government.

A detailed counter affidavit has been filed by the respondents. It is stated that the alignment of the road is strictly in accordance with the guidelines and the petitioners do not have any right to insist on change of the location or the direction of the proposed road.

Heard Mr. Madan Prasad Singh no.2, learned counsel for the petitioners and Mrs. Namrata Mishra, learned counsel for the respondents.

The writ petition was heard in detail, earlier. It was indicated that the occasion for this Court to interfere in matters of this nature, in a public interest litigation, would arise only when malafides are attributed or any specific provision of law is violated. However, on the insistence by the petitioners, the respondents were directed to come forward with more details.

The respondents have filed detailed counter affidavit together with all the documents depicting, even the minute specifications. It is stated that alignment of the road was fixed according to the guidelines.

The petitioners can only be concerned about the connectivity of their villages with the proposed road. The record discloses that substantial portion of the road is nearer to the villages

and the proposed road is being constructed to connect the otherwise unserved area. The persistence of the petitioners is such that, for all practical purposes they are forcing their whims upon the authorities, although not a single rule can be said to have been violated. The scheme is such that a detailed survey is undertaken and only after taking into account, the project report, construction of the road is approved. A tender for construction of the road is said to have been finalized in July 2013 and the work order has been issued. If the condition of the roads in the State of Bihar is not upto the mark, it is not only the authorities on duty, but also people like the petitioners and others who are known for extortion of money from the contractors, that are responsible. In case the petitioners are of the view that their villages must be connected with a pucca road, then steps must be taken to ensure that a State Government road is constructed to connect their villages, allowing the authorities to complete the ongoing project.

We dismiss the writ petition as being without merits.

There shall be no order as to costs.

Interlocutory Application shall stand disposed of.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

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