

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12032 of 2012

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Niwaran Sewa Sansthan Having Its Branch Office, At Lallupath, Ghana Colony,
P.S. Ramkrishna Nagar, District Patna through its Secretary Neelam Sinha.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Urban Development Department, Govt. of Bihar, Vishweshwaraiya Bhawan, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Deputy Development Commissioner, Patna.
4. The District Planning Officer, Patna District Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Uday Pratap Singh, Advocate

For the Respondents: Mr. Lalit Kishor, Pr. AAG

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-02-2015

The State Government introduced a programme known as “Chief Minister Integrated Town Development Scheme” (hereinafter referred to as “the Scheme”) for taking up certain works on priority basis. The Legislator of the concerned locality is conferred with the power to identify the works and launch them, after approval. It is stated that in Phulwarisharif Assembly Constituency, the then MLA got certain works for construction of P.C.C. roads and drainage in the area and the same have been approved. Launching of works thereafter is said to have been delayed on account of coming into force of the Model Code of Conduct.

2. The grievance of the petitioner is that in the election

ensued, a different person was elected and works approved earlier were dropped. He contends that once works have been approved, the Government is under obligation to execute them, even if, the Legislator at whose instance works were launched has not been re-elected.

3. On behalf of the respondents, a detailed counter affidavit has been filed, opposing the writ petition. It is stated that the petitioner filed CWJC No.17009 of 2011 for the same relief which was disposed of on 13.10.2011. It is also stated that an MJC in relation thereto has also been disposed of.

4. Heard Mr. Uday Pratap Singh, learned counsel for the petitioner and Mr. Lalit Kishore, learned Principal Additional Advocate General for the State.

5. It may be true that certain works have been approved, at the instance of the then MLA under the Scheme. The fact, however, remains that by the time his term has expired, works were not launched and in the election, a different person was elected. As long as works approved earlier were not launched, petitioner cannot insist that the same must be continued. The Government has power to review its own decision. It is not necessary that the works approved earlier, must be completed. The petitioner is not able to cite any certain provisions of law.

6. We are not inclined to grant any relief in this writ petition. The same is dismissed. There shall be no order as to costs.

7. The interlocutory application, if any, shall stand disposed of.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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