

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12278 of 2014

=====

Anil Kumar Singh, Son of Late Ram Pawitra Singh, Resident of Rajpati Apartment, Flat No. 302, A Block, Ashiyana Road, Magistrate, Coloney, P.S- Rajiv Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Building Construction Department, Bihar, Patna.
3. The Director General of the Vigilance Investigation Bureau, Bihar, Patna.
4. The Engineer- in- chief, Building Construction Department, Bihar, Patna.
5. The Chief Engineer Building Construction Department, Bihar, Patna.
6. The Superintendent Engineer Building Construction Department, Bihar, Patna
7. The Executive Engineer Building Construction Department, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate
Mr. Raj Kumar, Advocate
Mr. Ranjit Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore, (PAAG)
Mr. R. K. Priyadarshi, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-02-2015

This writ petition, by way of public interest litigation is filed with a prayer to direct the Vigilance Investigation Bureau, Bihar, Patna to institute an FIR against the officer of the Building Construction Department, Bihar on the ground that he has issued more than 200 tenders in the recent past with respect to several works

which have already been carried out and completed by some registered contractors. It is stated that such works have been allotted by the officer to his near and dear and issuance of tenders is a cover up measure.

The respondents filed a detailed counter affidavit. Apart from denying the allegations made in the writ petition, they have furnished the particulars of the tender notices as well as the allotment of works to the concerned contractors. It is also stated that the petitioner is himself, a registered contractor and was awarded several works under different tenders. The nature of litigation that has been initiated by him against the Department is also stated. The respondents pleaded that there are no bonafide on the part of the petitioner.

Heard Sri Kundan Kumar, learned counsel for the petitioner and Sri Lalit Kishore, learned Principal Additional Advocate General for the respondents.

If one just reads the writ petition filed by the petitioner, an impression would be gained that the petitioner is a public spirited person, and he is taking steps to protect the public interest. However, on a close scrutiny, it emerges that the petitioner is himself a contractor and he is trying to embarrass the Department to further his selfish goal. The

respondents have denied all the allegations made by the petitioner and have filed the list of tenders that have been issued and the works that have been carried out on the basis of assignment of works. Hence, there is no truth in the allegations made by the petitioner.

There may be instances, where a public spirited person comes to the Court with certain allegation and on close scrutiny, it transpires that the allegation is not correct, in such cases, the Court may simply close the writ petition filed in public interest. This, however, is a case where the entire exercise of the petitioner is motivated and there are no bonafides on the part of the petitioner. In paragraph 4 of the writ petition, he simply stated that he has no personal interest, but did not disclose that he is a contractor by himself. In Annexure-C series, several work orders in relation to contract awarded to the petitioner are furnished. Reference is also made to the writ petitions filed by the petitioner for his personal works as well as arbitration proceedings. We are convinced that the petitioner misused the facility of public interest litigation.

We, therefore, dismiss the writ petition by imposing cost of Rs.50,000/- (Rupees fifty thousand) on the petitioner, payable within two weeks. The amount, so paid,

shall be utilized for the facelift and painting of the Government Girls High School at Dakbangla near Bharat Petrol Pump. If the petitioner fails to pay that amount within two weeks, the Department shall be entitled to withhold the amount from his bills and spend the amount for the said work. The work shall be completed within four weeks from today.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

AFR

Sunil/-

U			
---	--	--	--