

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18308 of 2016

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Mr. Dinesh Kumar Singh S/o Late Sri Gabga Prasad Singh Retired
Journalist cum Social Worker, Resident of P.O. - G.P.O., P.S. -
Gardanibagh, Saristabad, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Department of Housing and Urban Development, Government of Bihar, Patna.
3. The Principal Secretary, Public Health Engineering Development Department, Government of Bihar, Patna.
4. The Joint Secretary-cum-Director, Department of Housing and Urban Development, Government of Bihar, Patna.
5. The District Magistrate, Munger.
6. The Executive Engineer, Public Health Engineering Department, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan
For the Respondent/s : Mr. S.Raza Ahmad-Aag5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 11-07-2017 Learned counsel appearing for the State points out that in two identical cases bearing CWJC No. 18308 of 2016 and CWJC No. 18267 of 2017, the counter affidavit has been wrongly filed, therefore, he may be permitted to exchange the counter affidavit and place the same on the correct record.

He is permitted to do so during the course of the day.

This case was heard on 5.7.2017 and the order was dictated in open Court. However, while dictating the order, it was indicated that the petition pertains to providing drinking water in



the district of Darbhanga. However, this was an error due to wrong filing of the counter affidavit by the State Government. This petition pertains to providing drinking water facility in the district of Munger. Accordingly, the matter is listed today under the caption “To Be Mentioned”.

This petition has been filed in the public interest and grievance of the petitioner is for providing drinking water facility in the district of Munger.

It is stated that steps have been taken and certain schemes have been formulated but they are not being executed properly. Accordingly, seeking mandamus, the petition in question has been filed.

The respondents have filed a detailed counter affidavit and on going through the counter affidavit, it is seen that for execution of the work in question with regard to the district of Munger, initially an agreement was entered into in the year 2011 with M/s. J.I.T.F. Water Infrastructure Ltd. Thereafter certain dispute having arisen, the contract was rescinded and now it is stated in the counter affidavit from para 21 onwards that the work has progressed. The work could not be completed due to non-grant of permission by the Railway Authority and pendency of a suit before the Sub Judge-II, Munger being T.S. No. 139 of 2016. It is stated that an order of status quo has been passed in the aforesaid suit and immediately after the aforesaid proceedings are



concluded, steps will be taken to conclude the work within a reasonable period.

We direct the respondents to file a certified copy of this order before the trial Court where the suit is pending and the trial Court after considering the matter to be public interest, expedite the disposal of the suit and at least hear with regard to the injunction granted and pass order on the same. Thereafter the respondents are directed to expedite and conclude the project within a reasonable period.

Needless to say that in case there is inordinate delay, the petitioner shall have liberty to approach this Court. That apart, the State Government is directed to take up the issue of permission at the Railway Authority and the Railway Authority to address the issue for grant of permission at an earlier date.

With the aforesaid, the petition stands disposed of.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

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