

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18828 of 2016

=====

Raghubar Pandey, S/o Late Nakchhedi Pandey, resident of village - Parsia, P.O. Bhakura, P.S. Tarari, Distt. Bhojpur

.... Petitioner

Versus

1. The State of Bihar
2. District Magistrate and Collector, Bhojpur
3. Executive Engineer, Shahabad Road Construction Division, Arrah, Bhojpur
4. Assistant Engineer, Road Construction Division, Arrah, Bhojpur
5. Anchal Adhikari, Tarari, P.S. Tarari, District - Bhojpur

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Amresh Kumar, Advocate.
For the Respondent/s : Mr. Raj Ballav Prasad Yadav-AAG-II
Dr. Sanjay Kumar Singh, AC to AAG-II

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 26-04-2017

The grievance of the petitioner is that in village Parasia and Pararia, a pucca road of 100 meters which is being constructed but pointing out various infirmities in the construction which would result in accumulation of water during rainy season and flooding of fields, the petitioner wants this court to issue mandamus to the concerned authority to put pipelines, construct drainage system and makes the road in such a manner that the fields of the petitioner are not flooded during rainy season.



The grievance raised by the petitioner is with regard to the construction of the road, the procedure followed for construction and the manner in which the road has to be constructed. The same is an executive action to be undertaken by the executive authority and this court does not have the engineering expertise to go into various issues and command the respondents to construct the road in a manner as claimed by the petitioner. This is exclusively within the executive authority's domain. The grievance raised by the petitioner and the prayer made for construction of the road is a technical matter governed by methods of civil engineering to be undertaken by experts and therefore, it is not appropriate for this court to enter into all these areas of expert and issue a mandamus.

In case, the petitioner has any grievance with regard to the manner in which the road is being constructed, it is for the petitioner to bring these facts to the notice of respondent nos. 2, 3 and 4 and it would be respondent nos. 2, 3 and 4 to look into the grievance of the petitioner and take such steps as are permissible for ventilating the grievance. If the respondent nos. 2, 3 and 4 do not take action of the grievance raised by the petitioner, the petitioner shall be at liberty to bring those facts to the higher authority, who shall deal with the matter.

With the aforesaid liberty to the petitioner and



observations, we disposed of this matter.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03-05-2017
Transmission Date	NA

