

Gurbax Singh
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 4398 of 2018
Date of decision: 23.2.2018

Krishan Lal Gera

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rajwant Singh Chahal, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. The petitioner through the instant petition filed under Articles 226/227 of the Constitution of India prays for a direction to the respondents to take strict legal action against the erring contractors or officials after fixing their responsibility by conducting fair and impartial inquiry from some independent agency into large scale irregularities in construction of RMC/CC (Ready Mix Cemented Concrete), Bitumen's/Tarcol roads and other development works in District Faridabad, specially misuse of public funds, use of sub-standard material, poor quality of work performed at exorbitant rates etc. Further direction has been sought to the respondents to reconstruct/repair all bad roads immediately specially Judicial enclave etc. and to ban all RMC/CC roads as per instructions dated 21.7.2008 Annexure P.4 passed by Director Urban Local Bodies, Government of Haryana.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioner is a social worker who is involved in his own humble way for the attainment of social and economic justice and for weeding out corruption from the society by making people aware by organizing workshops, sensitization and legal awareness camps and suggesting necessary legislation to take up through public interest litigation such issues as are necessary for the welfare of the general public and for protection of their rights. Through the instant petition, the petitioner brings to notice the poor condition of roads, existence of potholes on the roads, poor surfacing of the roads and failure to level the roads properly on account of which a large number of accidents are taking place. According to the petitioner, the roads are lifelines of economy and even after sixty eight years of independence, our national highways and major state highways are in very bad condition. The petitioner asserts that the government has funded billions of rupees in Faridabad Smart City for beautifying the city and provided all types of good facilities but the condition of roads is very poor. For some personal gains, some officers and contractors get away without using specified standard materials. Poor condition of roads makes life miserable. The condition of roads which were proposed to be converted into concrete cement roads is the worst. The Director of Urban Local bodies, Government of Haryana vide letter dated 21.7.2008, Annexure P.4 issued instructions regarding construction of roads to all Commissioners, MCF Gurgaon and Faridabad and the Executive officers/Secretaries of all Municipal Councils in the State of Haryana. In compliance with the said instructions, the Superintending Engineer, Municipal Corporation Faridabad wrote a letter dated 10.10.2008, Annexure P.5 to all the

Executive Engineers but the same has not been complied with completely till date. The petitioner moved various representations to the Prime Minister of India which were forwarded to the Government of Haryana but no action was taken. Complaints were also filed by the Residents Welfare Associations, Faridabad but in vain. According to the petitioner, large scale irregularities are there in the construction of roads and other development works in District Faridabad which requires a deeper probe by an independent agency. Hence the instant petition before this Court.

3. After perusing the averments made in the petition and hearing learned counsel for the petitioner, we find that the petitioner has expressed his general views about the poor condition of roads, use of sub-standard material used in the construction of roads, misuse of funds, corrupt practices being adopted by the contractors and officers in the District of Faridabad. However, no specific instance or particulars have been furnished by him to establish his claim. The petition is, thus, bereft of material particular to substantiate any averment made therein except a prayer for making fishing enquiry. In the absence of concrete factual matrix placed on record, the present petition cannot be entertained under Articles 226/227 of the Constitution of India.

4. In view of the above, we do not find any merit in the petition and the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

February 23, 2018
‘gs’

(Anupinder Singh Grewal)
Judge

Whether speaking/reasoned

Yes

Whether reportable

Yes

