

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12307 of 2017

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Ravindra Kumar Karn, son of Late Ramsewak Lal, resident of Mohalla -
Jyotipuram Colony, P.S. Rajiv Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Main Secretariat, Patna.
3. The Principal Secretary, Road Construction Department, Government of Bihar, New Secretariat, Patna.
4. The District Magistrate, Patna.
5. The Patna Municipal Corporation through its Municipal Commissioner.
6. The Commissioner, Patna Municipal Corporation.
7. The Bihar Rajya Pul Nirman Nigam Limited, through its Managing Director.
8. The Managing Director, the Bihar Rajya Pul Nirman Nigam Limited, Patna.
9. The Administrator, Bihar Religious Trust Board near Patna Museum.
10. The Secretary, Ministry of Home Affairs, Government of India, New Delhi.
11. The Secretary, Road Construction Department, Government of India, New Delhi.
12. The Union of India, through the Secretary Ministry of Home Affairs.
13. The Railway Board through its Chairman, Rail Bhawan, New Delhi.
14. The General Manager, Indian Railway, Rail Bhawan, New Delhi.
15. The General Manager, East Central Railway, Hajipur.
16. The Divisional Railway Manager, East Central Railway, Danapur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Mishra, Advocate
For the State	:	Mr. Prabhu Narayan Sharma, A.C. to A.G.
For the Pul Nigam	:	Mr. Lalit Kishore, Senior Advocate
For the Railway	:	Mr. (Dr.) Anand Kumar, Advocate
For the U.O.I.	:	Mr. S.D. Sanjay, A.S.G. with Mr. Kumar Priya Ranjna, C.G.C.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

14 22-01-2019 This public interest litigation has been filed making certain complaints, but in particular with regard to the slow progress in construction of Mithapur to Bikhari Thakur Flyover via R-Block Flyover and the three limbs connecting thereto.

On 15th of January, 2019, we passed the following



orders:

“The Court after having waited for almost half an hour could not get any assistance on behalf of the Bihar Rajya Pul Nirman Nigam Limited, Respondent No. 7.

From the affidavit which has been filed on behalf of the said respondent dated 31st August, 2018 through Shri Sunil Kumar Prasad who is Senior Project Engineer of the said respondent, a recital has been made in Paragraph 12 of the said affidavit that the construction of the Mithapur to Bikhari Thakur Flyover via R-Block Flyover with all three limbs i.e. (a) R-Block to G.P.O. limb (b) R-Block to Bhikhari Thakur limb and (c) R-Block to Veerchand Patel Marg limb is in progress and its expected date of completion and making it operational is November, 2019.

Learned counsel for the petitioners categorically submits that no work is in progress on the site nor is it visible and the constructions are at stand still for the past several months causing irreparable inconvenience to the commuters causing serious traffic problems.

In the absence of any such categorical or appropriate explanation, we



direct the Managing Director of the said Corporation (Respondent No. 8) to file his personal affidavit indicating the exact calendar and timeline by which the said construction, which is stated to be lying stand still, will commence forthwith and be completed by the next date fixed. In the event no such specific affidavit is filed, as directed hereinabove, the said Managing Director shall be personally present before this Court.

Let the matter come up on Tuesday next i.e. 22nd January, 2019.

Learned counsel for the petitioners prays for time to file an affidavit. He may file the affidavit by the next date fixed.”

In compliance thereof, a second supplementary counter affidavit on behalf of the respondent Nos.7 and 8 has been filed. In paragraph 8 to 11, the respondents have categorically come out with a timeline of work indicating that only an approximate 54% of the work has been carried out and the rest of the work shall be completed by the end of March, 2020 in the manner described in the aforesaid affidavit. Paragraphs 8 to 11 are extracted herein under:-

“8. That it is humbly submitted that though the date of start of project was



12.11.2015 and the completion dated was 11.11.2018, but by due to modification required in design and drawing, the work was withheld for some time in retrofitting as advised, therefore only 53.43% of total work could be completed by 11.11.2018.

9. That, further the construction work of all these three limbs could also be not completed within stipulated period of time given to contractor, due to change in Plan and Profile of Road Project in place of Digha Railway Track and also due to congestion in traffic resulting in less work time for completion of these three limbs of the Bridge.

10. That it is also necessary to mention here that the Road Construction Department gave its administrative approval for construction of R-Block-Digha Road (Page-1) vide letter No.-9757 dated 20.12.2018, thus due to change in Plan of Road Project in place of Road Over Bridge (ROB), near R-Block- Digha Railway Track, the design and structure of the Pillars was also changed, which took time in shifting the place of the Pillars.

11. That it is humbly stated that in the facts and circumstances stated above, extension of time (EOT) has been given to the contractor by the Board upto 31.03.2020 for completion of aforesaid three limbs. A work



Plan has been prepared in this regard for completion of the R-Block Bridge connecting above mentioned three limbs. In this regard a detailed monthly construction work programme, indicating the exact calendar and time line for completion of the balance work has been prepared by the Contractor and given to the answering respondents for completion of the balance work by 31.03.2020. We shall strive to ensure completion by that time.”

We record the aforesaid affidavit and we direct the respondents to abide by the said timeline strictly so as to avoid any future inconvenience and get the work completed.

The public interest litigation stands disposed of with the said directions.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.N.M./Saif

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