

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 37 of 2019**

1. Hira Sai S/o Manohar Sai, aged about 35 years.
2. Duryodhan S/o Bhuwaneshwar, aged about 30 years.

Both resident of village Dumardih, Thana and Tehsil Udaypur, District Surguja Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh, through Chief Secretary, Mahanadi Bhawan, Mantralaya, District Raipur, Chhattisgarh.
2. The Secretary, Water Resource Department, Mahanadi Bhawan, Mantralaya, District Raipur, Chhattisgarh.
3. Superintending Engineer, Water Resource Department, Ambikapur, District Surguja, Chhattisgarh.
4. The Executive Engineer, Water Resource Department, Ambikapur, District Surguja, Chhattisgarh.
5. Uttam Singh Sisodiya S/o Pitambar Singh Sisodiya R/o village Bhagwanpur, PS Jaynagar, District Surguja, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Sushil Dubey, Advocate.
For Respondent No. 1 to 4 /State	: Shri Sudeep Agrawal, Deputy Advocate General

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**Per P.R. Ramachandra Menon, Chief Justice****03/10/2019**

1. The Petitioners, who are public spirited citizens have moved this Court seeking for the following prayers:

"10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner from the possession of the respondents, for its kind perusal.

10.2 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ directing the respondent authority to cancel the tender of the project for construction of Dumardih Tank in Dumardih Block - Udaipur, District Surguja, Chhattisgarh in the interest of justice.

10.3 Any other relief/reliefs, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioner."

2. The issue relates to construction of a Water Tank at village Dumardih, Block Udaipur, District Surguja at an estimated cost of Rs. 388.24 Lacs and the same was issued to the 5th Respondent. Though, the said tank was originally sought to be constructed at village Dumardih, there was a mass agitation on the part of the villagers on various counts. In the said circumstances, the matter was re-considered and it was desired to have it relocated from village Dumardih to village Rajbandha.
3. When the matter came up for consideration before this Court, the steps being taken in this regard were brought to the notice of this Court pointing out that the prayer at paragraph 10.2 of the writ petition has virtually become infructuous, in view of the reply/return filed on the part of the State, and in particular, paragraph 12 as to the shifting of the location.
4. The learned counsel for the Petitioners had pointed out that the 'shifting' was only a proposal and the same had not been crystallized into a decision. It was accordingly, that the matter was adjourned, seeking for further instruction.
5. Today, when the matter is taken up for consideration, the learned Deputy Advocate General submits, based on the instructions obtained by him and as also as conveyed by Shri N.C.Singh, Executive Engineer, who is present before the Court, that some procedural formalities are to be completed with regard to the change in location, where the tank is now sought to be constructed. It is also stated that by virtue of the turn of events, the tender

already issued for construction will not be acted upon. It is further stated that the work is sought to be assigned to the very same party i.e. 5th Respondent (who had undertaken to have the tank constructed in Dumardih village), subject to the same terms and conditions and that he has already expressed his willingness in this regard.

6. We do not intend to express anything with regard to the course of action sought to be pursued as to the award of the contract for construction of water tank at village Rajbandha to the 5th Respondent. We only record the submission made on behalf of the State that the tank is not intended to be constructed in village Dumardih. As it stands so, the tender already issued in this regard cannot have any application to the said village. The submission is recorded. No further orders are called for.
7. The writ petition stands disposed of.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE