

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17926 of 2018

Yamuna Devi Pandit Hit Narayan Jha Charitable Trust through it's Managing Trusty Sri Raj Kumar Jha Son of Late Hit Narayan Jha, Resident of Flat No. A-501, The Hare Krishna CGHS Ltd., Sector- 45, Faridabad, Haryana.

... .. Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariate, Patna
2. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
3. The Engineer-in- Chief, Rural Development Department, Government of Bihar, Patna.
4. The Executive Engineer, R.E.O., Madhubani Circle, Madhubani.
5. The District Collector cum Magistrate, Madhubani.
6. M/S Govind Jha, through it's sole proprietor Shri Govind Jha, Son of Sri Narayan Jha, Resident of Village + P.O.- Shiv Nagar, P.S.- Benipatti, District- Madhubani.

... .. Respondents.

Appearance :

For the Petitioner/s	:	Mr.Amalendu Shekhar Thakur, Advocate
		Mr. Ram Prawesh Kumar, Advocate
For the Respondent/s	:	Mr.Vinay Kriti Singh (GA.-2)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-12-2020

Petitioner has prayed for following reliefs : -

“(a) For the direction to the respondents to expedite, rectify and complete the construction of the road/bridge at Shiv Nagar, the only medium of communication to reach Benipatti-Sitamarhi main Road before the Monsoon comes.

(b) For the direction to the respondents to explain the reasons for not punishing the respondent no.6 for not completing the said road/bridge as per the specification and not rectifying/maintaining/



reconstructing, the remaining work although the construction of road/bridge completed on 04.02.2015 and a considerable amount has already been paid to the Agency i.e. respondent no.6 by whom payment has been received and thereby, making the life of above 30000 people miserable and unsafe.

(c) For the direction to the respondents to stop corrupt practices prevalent and adopted in the entire Madhubani District while providing necessary amenities like road, bridge, hospital, school, electricity, safety to life to lacs of residents of the locality who are neglected and deprived of the same since independence and for whom this Hon'ble court took cognizance and passed the order in CWJC No.8658 of 2010.

(d) For the direction to the respondents to stop malpractices and corrupt practices in construction work carried on by the Government fund for the benefit of the people.

(e) In CWJC No.8658 of 2010 for any other relief for which the petitioner may be entitled.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the respondent no. 5 to consider and decide the representation expeditiously in accordance with law, which shall be filed by the petitioner within a period of four weeks.

Learned counsel for the respondents states that if such representation is filed with the time aforesaid, respondent no.5 namely, District Collector -cum- Magistrate, Madhubani shall personally examine and decide the same in accordance with law expeditiously and positively within a period of two months from



the date of receipt of such representation along with a copy of this order.

No other submission is made on behalf of the parties.

In view of the undertaking given by the learned counsel for the State, petition is disposed of directing respondent no.5 namely, District Collector -cum- Magistrate, Madhubani to personally examine and decide the representation in accordance with law expeditiously and positively within a period of two months from the date of receipt of such representation along with a copy of this order.

It stands clarified that any default on the part of the contractor in constructing/maintaining the road shall entail civil and criminal consequences which the authority shall be competent to do so as per law.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes



recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.12.2020
Transmission Date	

