

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.927 of 2018

Binod Kumar Son of Chandradev Sharma, resident of Village- Jalpura, P.S.
District- Arwal, President of District Bar Association, Arwal.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. That Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Principal Secretary, Law Department, Govt. of Bihar, Patna.
5. The High Court of Judicature at Patna, through the Registrar General, Patna High Court, Patna.
6. The Accountant General, Bihar.
7. Baijnath Nirman India Pvt. Ltd. East Gandhi Maidan, Jehanabad, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate. Mr. Lakshmi Kant Sharma, Advocate
For the Respondent/s	:	Mr. P.K. Verma, AAG 3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-12-2020

Petitioner has prayed for the following relief(s):-

“By issuing appropriate writ/writs, order/orders, direction/directions for directing and commanding the respondent authorities for establishing the independent Session Division at Headquarter of Arwal District at Arawal pursuant to letter no. 7/Post creation 15.11.2014 dated 30.03.2015 issued under the signature of respondent Deputy Secretary, whereby and



whereunder post of Session Judge, Additional Session Judge, Chief Judicial Magistrate, Sub-divisional Judicial Magistrate, Munsif, In-charge Judge and Judicial Magistrate have been created/sanctioned but respondent authorities have not taken any steps for functioning and establishing Session Division at Arwal and issue of establishing Session Division at Arwal is either being lingered or keep in abeyance causing irreparable hardship in delivery of justice to the people of highly extremist prone area of Bihar i.e. Arwal District and petitioner being an awakened citizen and being the president of District Bar Association raising the issue through Public Interest Litigation petition before Hon'ble Court for issuance of appropriate direction/command to respondent for taking immediate positive steps for establishing the session division at Arwal.

Petition further seeks any other relief/reliefs for which he is found entitled in the eye of law and in the facts and circumstances of the present case.”

On 19th December, 2020, we had passed the following order:-

“ We appreciate the effort put in by the learned Senior Counsel Shri Rama Kant Sharma and by Shri P.K. Verma learned Sr. Advocate visiting the spot at Arwal where the jail is under construction.

After interacting with all the stakeholders, including the contractor, they have prepared a report,



setting up a time line of events, copy of which is taken on record and reproduced hereunder:-

“In pursuance of the order passed on 24.01.2020, the undersigned visited the construction site of the proposed Jail at Arwal on Saturday the 1st February, 2020. During the visit the Superintending Engineer, Gaya the Executive Engineer, Arwal, Junior Engineer, Arwal the Jail Superintend, Gaya Central Jail, and Jehanabad Division Jail were present at the site alongwith MD of the Contractor Firm M/s Baijnath Nirman India (Pvt.) Ltd.

The site is located at a distance of about 2 Kms from office of the District Collector and falls by the side of a 20 feet wide road. At the site ground leveling and lay out work was supposed to start and for which some materials and JCB machine had been brought at the site. Upon perusal of the documents provided by the In Charge Executive Engineer the following details could be noted:-

Estimated cost:- Rs. 26.45 crores

Technical sanction:- Rs. 22.73 crores

Agreement amount:-Rs. 23.55 crores

Date of Commencement:-21.01.2020

Date of completion:- 20.07.2021

Total Plot area:- 4.97 Acres

Total built up area:- 80,670.57 sft.

Perusal of the tentative site plan for the proposed Jail building revealed the following provisions:-

- (i) Two buildings (G+2) for 198+198 prisoners (male).
- (ii) One building (G+1) for 50 prisoners (female).
- (iii) One building (G+1) for 50 juvenile



prisoners.

(iv) Prisoners Cell in two blocks for 8+8 violent prisoners.

(v) High Security Enclosure (G) for 20 A Grade Prisoners.

(vi) One building (G+1) for 25 bedded hospital.

(vii) One Administrative Block Building (G) of 4247 sft.

(viii) One building for 20 bedded warder barrack (male).

(ix) One building for 20 bedded warder barrack (female).

(x) One building each of Type-D (G+3), Type-C (G+3) and Type E (G+3).

(xi) One building for Jail Superintendent resident.

The jail premises is to be surrounded by a 12 feet wide internal and external road. In between the two roads the jail area would be surrounded by a 21 feet high perimeter wall with 5 Watch Towers. The internal jail building premises and prisoner barracks are to be surrounded by 12 feet high enclosure wall. Encircling the external Road and the administrative Block premises out side the perimeter wall boundary, a wall 8 feet high is also proposed to be constructed. Facilities like DG set, fire alarm system, siren and CCTV cameras are proposed to be installed.

In consultation with the Engineer In Charge and the MD of the contractor



company, specific target work programme with individual time schedule has been agreed upon by them submitting a signed document.”

We fully appreciate the efforts put in by the learned Senior Counsel in persuading the contractor to complete the work positively before 20th of July, 2021.

Sri Sanjay Parasmani appears on behalf of Contractor.

Let an affidavit be filed by the Contractor under taking the timeline within which the project shall be completed.

Needful be done positively within four weeks.

Let the State also file status report with regard to the construction before the next date.

List on 11.05.2020.”

Shri P.K.Verma, learned senior advocate appearing for the State, states that the building shall positively be got completed on or before 28th July, 2021, the date indicated by the contractor as per the details furnished on record. He further states that the communication addressed by an Executive Engineer, as pointed out by Shri Ramakant Sharma, learned senior advocate, be ignored for the reason that the Government has already allocated fund and the work shall not suffer on such count.

Statement on behalf of the State is accepted and taken on record.



We appreciate the assistance rendered by both Shri Ramakant Sharma, learned senior advocate and Shri P.K.Verma, learned senior advocate, and more specifically their endeavour of visiting the spot in terms of our order passed in the instant petition.

The contractor has also filed his affidavit.

Petition stands disposed of reserving liberty to the petitioner to file a fresh petition, if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujiit/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.12.2020
Transmission Date	

