

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10499 of 2020

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Anamika Devi Wife of Shambhu Prasad Mishra Resident of Village- Rasiyari,
P.S.- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resource Department, Government of Bihar, Patna.
3. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
5. The District Magistrate, Darbhanga.
6. The Executive Engineer, Rural Works Department, Work Division, Benipur, Darbhanga.
7. The Executive Engineer, Water Resource Division, Darbhanga.
8. The Assistant Engineer, Rural Works Department, Benipur, Darbhanga.
9. The Junior Engineer, Rural Works Department, Benipur, Darbhanga.
10. Amar Nath Jha Son of Bhagwat Jha Resident of Village- Nawada, P.S.- Bahera, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Md. Shakir Ahmad Mr. Gajendra Kumar, Advocates
For the Respondent/s	:	Mr. Kumar Alok, SC 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 22-06-2021

Heard learned counsel the parties.

Petitioner has prayed for following relief:-

The petitioner being a social activist invoking the



extra-ordinary writ jurisdiction of the Hon'ble Court in shape of Public Interest Litigation for commanding and directing the respondent authority to take all safety measures in construction of road from Rasiyari to Neema which is passing through three parts of Genhua river which is situated east of Rasiyari village, first part of river is flowing adjacent east to Rasiyari village, second part is flowing 500 meters east of village Rasiyari and third flow of river 'Genhua' is situated approximately one kilometers east of village and for construction of road through three flow of river Genhua will require to be constructed three bridge on three floor flow however respondent authorities is constructing two bridge one adjacent to village Rasiyari and another at on the river flow situated 1 km away from the village and further proposed to fill up the middle flow of the river by sand and soil and such defective construction might flood the village at high time of rainy season and as such in view of above facts, respondent authorities may be directed/commanded to construct three bridge on three flow of 'Genhua' river and further drawn the silt collected on river-bed so that all three flow of river 'Genhua' which is the culminating point of three river flow i.e. Kamla, Balan, Bhutihi so that adjacent village could not be flooded and immersed in water in high rainy-season.

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

Counter affidavit has been filed on behalf of the respondents wherein it has been specifically stated, particularly in paragraph nos. 7 and 8, that construction work of road namely T01 Rasiari To Nima Kashi Bandh via Shenkarpur under PMGSY has been awarded to the successful bidder vide Agreement No.04/SBD/2017-18 and the work was to be completed on or before 26.08.2018 but whole work could not be completed on time and thereafter Empowered Standing Committee in its proceeding dated 09.12.2020 has further



granted time to the Contractor to complete the aforesaid work by March 2021 and it is expected that the construction of the aforesaid road, including the H.L. Bridges will be completed by March, 2021.

In view of the statement made in paragraph nos.7 and 8 of the counter affidavit, this writ application stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2021
Transmission Date	NA

