

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1536 of 2022

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Sachida Nand Singh S/o Late Badsah Singh resident of Village- Salempur,
Post- Chapra, P.S.- Chapra, District- Saran. Pin- 841301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Engineer-in- Chief, Rural Works Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Rural Works Department, Govt. of Bihar, Patna.
5. The Superintending Engineer, Rural Works Department, Works Circle, Chapra.
6. The Executive Engineer, Rural Works Department, Works Division, Chapra-2.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Nath, Advocate
For the Respondent/s : Mr. Ajay, GA 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-01-2023

Heard learned counsel for the parties.

Petitioner has prayed for following relief (s):-

“1. That the present writ application is being filed to direct the respondents to return the amount of security deposit as well other amounts deducted from running on account bills to the petitioner, which is not being released/paid by the respondents for not completing the approach road of bridge, as said approach road could not have been completed since last 8 years as required land to construct



the approach road of bridge is not available on the site. Villagers are also not allowing to use their land and till date the respondents have failed to make available land, required for construction of approach road and/or allow such other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of this case.”

For the reason that the petitioner has been pursuing the remedies before this Court, as is also agreed by the State, the issue of limitation shall not come in the way of consideration of petitioner’s request on merits if the petitioner approaches the authorities within a period of four weeks from today, which puts to rest the anxiety expressed by learned counsel for the petitioner insofar as the merits of the present petition is concerned.

On 21.03.2022, we had passed the following order :-

“We are not inclined to issue notice in the present petition and, as such, we grant liberty to the petitioner to take recourse to such measures as are otherwise available in accordance with law.

However, we notice from the pleadings one vital issue of public interest to have arisen, if the averments are taken to be true. In paragraph Nos. 3 and 5, it is averred that the period for which the works stood



allotted in the year 2012-13 is yet not functional. Only, on this aspect, we direct the respondent No.2, the Secretary, Rural Works Department, Govt. of Bihar, Patna, to file his personal affidavit.

We clarify that insofar as, the petitioner's case is concerned, we will not adjudicate the same in the present petition, for we have already granted liberty to pursue his remedy, in accordance with law.

List on 09.05.2022.”

From the response it is evidently clear that the Government has now, in public interest, despite the project being abandoned, decided to complete the bridge by constructing approach roads on both the ends and make it usable by general public.

Paragraph 19 of the affidavit filed by respondent No. 2, namely, Pankaj Kumar Pal, Secretary, Rural Works Department, Government of Bihar, to such effect is extracted hereinunder:-

“19. That in the facts and circumstances stated hereinabove that it is abundantly clear from the above delineated facts that the present respondent department has already taken steps for construction of the approach road of the Bridge in question which will be completed at the earliest.”



In view of the same, we dispose of the present petition in the following mutually agreeable terms:-

(a) The petitioner shall take recourse to the remedies provided under the Act within a period of four weeks from today;

(b) The same shall be decided by the appropriate authority and issue adjudicated on merits expeditiously, within a reasonable period of time;

(c) The bridge in question shall be made usable by construction of approach roads on both the ends within a period of nine months from today.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Spd/-K.C.Jha

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2023
Transmission Date	

