

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5360 of 2023

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Md. Saraful Haque, Son of Late Hadish, Resident of Village - Sisahani, P.S. - Kundwa Chainpur, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The District Magistrate, Motihari, East Champaran.
3. The Chief Engineer, Road Construction Department, Govt. of Bihar, Patna.
4. The Executive Engineer, Road Construction Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Respondent/s : Mr. Kinkar Kumar (SC 9)
Ms. Deepika Sharma, AC to SC-9

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-04-2023

The writ petition is filed in the nature of a public interest litigation seeking a direction to the respondents to conduct an enquiry/investigation against the respondents along with the contractor for having committed gross irregularities in construction of a road from Masaudha Chandmohan to Sishani MMGSY (SC), Block-Dhaka, District- East Champaran.

Petitioner also relies on Annexure-1, judgment passed in CWJC No.4839 of 2010 titled as Deepak Mukherjee & Ors.



Vs. The State of Bihar & Ors. Dated 19.04.2010 and the guidelines which have been laid down therein. According to the petitioner, the said guidelines were flouted by the contractor. Petitioner, in support of the prayer for mandamus, has also produced Annexure-2, representations sent to the various authorities.

We find that but for bland allegations made of irregularities in construction of the road, no specifics have been pointed out. The judgment produced at Annexure-1 is also with respect to the increasing height of roads, at every maintenance, creating water logging; which is not alleged herein. It is also very pertinent that the contractor is not impleaded as a party respondent.

For the all above reasons, the writ petition is found to be devoid of merit and stands dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20.04.2023
Transmission Date	

