

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7207 of 2023

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Mahmud Alam Son of Md. Taslim Resident at ward no. 5, Village Usari Tola
Motipur, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj
Department, Government of Bihar, Patna, Bihar.
2. The District Magistrate, Samastipur.
3. The Sub Divisional Officer, Rosera, Samastipur.
4. Block Development Officer, Rosera, Samastipur.
5. The Circle Officer, Rosera, Samastipur.
6. The Mukhiya, Gram Panchayat Raj Motipur, Block Rosera, District-
Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Choudhary, Advocate
For the Respondent/s : Mr. Mujtabaul Haque (GP-12)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2023

The writ petition is filed in the nature of a public
interest litigation, seeking enquiry into the road construction
work carried on by an agency in Block Rosera, Motipur
Panchayat, District-Samastipur.

2. The writ petition was filed even without
impleading the agency. However, only looking at the report
obtained under the Right to Information Act, where there were
some defects noticed in the construction, we directed a counter



affidavit to be filed.

3. A counter affidavit dated 27.07.2023 is filed on behalf of the respondent nos.2 to 5 and the deponent is the Block Development Officer, Rosera, Samastipur. The deponent has directed the Block Panchayati Raj Officer, Rosera by letter dated 03.02.2022 to take action in view of the report of the Junior Engineer of Rural Work Department, Rosera and the Executive Magistrate, Rosera, who conducted an enquiry on orders of the Sub-Divisional Public Redressal Grievance Cell Rosera. The Block Panchayati Raj Officer has issued a show cause to the Secretary and Mukhiya of the Panchayat as also the working agency. The Secretary of the Gram Panchayat submitted a reply specifically pointing out that the work carried out in Motipur Village was done under the supervision of the Technical Officer according to the quality standard as per the departmental instructions. Payment was also made on the basis of the measurement book submitted by the Junior Engineer. The Mukhiya submitted a reply dated 19.03.2022 on the same lines. The report of the agency also spoke of the work having been carried out under supervision, but the width in some portions of the road having been reduced for reason of the objection of the local residents. There is a slope made in certain portions for free



flow of water which has resulted in the thickness of the road being reduced on the flank side.

4. A detailed report has been filed by the Technical Assistant, Rosera to the Block Panchati Raj Officer, Rosera which speaks of the following:-

“(i) In Ward No.1 of Motipur Panchayat, PCC Road was constructed from Masjid to Nurul Khan House. Rs.6,59,484 is mentioned in measurement book whereas estimated cost of this work was Rs.7,19,000/-. Thickness of this road is mentioned as 8”, 7”, 6”, 5” & 4” in measurement book.

(ii) In Ward No.1 PCC road was constructed from Bibi Fatima Khatoon to Nurul Khan and upto Bindeshwar Das House. Rs.4,42,140/- is mentioned in measurement book whereas estimated cost of this work was of Rs.4,99,500/-. Thickness of this road is mentioned as 8”, 6”, 5”, 4” & 3” in measurement book.

(iii) In Ward No.1 PCC road was constructed from REO to Nurul Khan. Rs. 8,56,537/- is mentioned in measurement book whereas estimated cost of this work was Rs.8,90,600/-. Thickness of this road is mentioned as 7”, 6”, 5” & 4” in measurement book.

(iv) In Ward No.1 PCC Road was constructed from Kabristan to Nurul Khan. Rs.8,56,537/- is mentioned in measurement book whereas estimated cost of this work was of Rs.8,90,600/-. Thickness of this road is mentioned as 8”, 7” & 5” in measurement book.

(v) PCC Road was constructed around the Panchayat Bhawan. Rs.9,35,088/- is mentioned in measurement book whereas estimated cost of this work was of Rs.9,36,000/-. Thickness of this road is mentioned as 4” in measurement book.”



5. It is stated in the counter affidavit that the entire payments were made to the agency in accordance with the measurement book and there was no payment made in excess of the estimate or in excess of the value of the work done.

6. It is clear that an enquiry was conducted by the respective officers and there is no defect found in the construction; nor is any excess payment detected.

7. We find no reason to keep the public interest litigation pending and close it.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18.08.2023
Transmission Date	

