

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13274 of 2023

Niwaran Sewa Sansthan having its Office at Village- Ghana Bigha, P.S.- Telhara, District- Nalanda, Having its Branch Office at Ghana Colony, Sorangpur, P.S.- Ram Krishna Nagar, Dist.- Patna through its Secretary namely Neelam Sinha, aged about 43 years, Gender- Female.

... .. Petitioner/s

Versus

1. The Chief Secretary, Government of Bihar Old Secretariat, Patna.
2. The Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Vishawshraiya Bhawan, Patna.
3. The Principal Secretary, Department of Rural Work, Govt. of Bihar, Vishawshraiya Bhawan, Patna.
4. The Superintending Engineer, Road Construction Department, Patna Circle, Patna.
5. The Executive Engineer, Road Construction Division, Hilsa, Dist.- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate
For the Respondent/s : Mr. P.K. Shahi, AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-09-2023

The prayer in the writ petition is to direct the Road Construction Department to take over the rural road starting from Bans Bigha Cross through Govindpur-Telhara-Kovil to Islampur-Jehanabad from the Rural Work Department, Hilsa, and to maintain it in accordance with the yardsticks applicable to State Highways.

2. The petitioner contends that, considering the



importance of the road, the local people took up the matter as early as in 2011, as is evident from Annexure-1. The report of the Executive Engineer, Road Construction Department, is produced as Annexure-2. It speaks of the length of the road being 15 kilometres with addition of 2 kilometres for providing connectivity. It is also stated by the Executive Engineer that it would be in the public interest to take up the construction. Annexure-3 is the report of the Senior Project Engineer, which also speaks of a 200 metre bridge, which is essential for the people of the locality. A representation has also been submitted which is produced as Annexure-4.

3. Taking up a road construction and declaring it as a State Highway are all matters within the policy domain of the Government. Merely on the request of the locals or even the persuasion of the engineers, there can be no judicial orders passed to take up the specific road for construction, declare it as a State Highway and ensure its maintenance. The Government has to look at the balancing considerations and decide on the constructions to be taken up within the entire State.



4. We find absolutely no reason to entertain the writ petition and dismiss the same.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	22.09.2023
Transmission Date	

