

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12567 of 2024

1. Umesh Kumar, Son of Late Harikant, Resident of Village- Barahiya Ward No. 11, P.S. Barahiya, District- Lakhisarai.
2. Anjani Kumar, Son of Awadhesh Singh, Resident of Village- Barahiya Ward No. 11, P.S. Barahiya, District- Lakhisarai.
3. Ram Hare Kumar, Son of Ram Sagar Singh, Resident of Village- Barahiya Ward No. 10, P.S. Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. The District Magistrate, Lakhisarai.
4. The Superintendent of Police, Lakhisarai.
5. The Sub-Divisional Officer, Lakhisarai.
6. The Executive Officer, Nagar Parishad, Barahiya, Lakhisarai.
7. The Executive Engineer, Urban Development Division, Lakhisarai.
8. The Assistant Engineer, Nagar Parishad, Barahiya Lakhisarai.
9. The Junior Engineer, Nagar Parishad, Barahiya Lakhisarai.
10. The Block Development Officer, Barahiya, Lakhisarai.
11. The S.H.O. Barahiya, Lakhisarai.
12. Sanjeev Kumar, Son of Hari Narayan Singh, R/o Village- Dhanraj Tola, P.O. and P.S. Barahiya, Ward No. 4, District- Lakhisarai.
13. The Mukhiya Gram Panchayat Barahiya, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Singh, Advocate
For the Respondent/s	:	Mr. P.K.Shahi, AG
		Mr. Avinash Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 05-09-2024

1. Heard learned counsel for the petitioners and



learned counsel for the respondents.

2. The petitioners have filed the instant Public Interest Litigation praying for a direction to the respondent authorities to make an inquiry for improvement of quality of construction work of PCC road and *Nala* of N.H.-80 in connection with Tender ID. no. 42881, Serial no.1, Letter Memo no. 50 dated 8.1.2024, to be constructed at an estimated cost of Rs. 34,02,378/- and agreement value of Rs.29,35,980/-, to stop the work order issued by the Executive Engineer, Nagar Parishad, Barahiya, District- Lakhisarai, for commanding the respondents to stop payment of the work to the contractor and for other reliefs.

3. The case of the petitioner in brief is that with the Junior Engineer, Nagar Parishad, Barahiya having published a notice on 28.8.2023 for construction of N.H.-80 at the place in question, which falls under the Nagar Parishad, Barahiya, on tender applications being submitted, the work order with respect to Tender ID no. 42881 was allotted to one contractor Sanjiv Kumar. Agreement no. F2/2022-23 was entered into and pursuant thereto the work started.

4. It is the case of the petitioner that the contractor in carrying out the work has not been following the guidelines



issued by the Department and pursuant to a complaint having been filed by the petitioner no.1 on 23.2.2024, a direction was given to the Junior Engineer to look into the construction work being carried on in village Barahiya. It is submitted that on account of the complaint being filed, instead of improving upon the work being done, the petitioners were abused and threatened by the contractor of being implicated in a false case.

5. Having heard learned counsel for the parties and having perused the material on record, this Court finds that except for having made bald allegations and having brought on record a copy of the complaint filed by the petitioner no.1 before the authorities of the Nagar Parishad, the allegations levelled by the petitioners are not substantiated in any manner. So far as construction of road and quality of the said construction are concerned, the same are the work of a specialist and not for the Court to examine under its writ jurisdiction under Article 226 of the Constitution of India.

6. So far as the instant case is concerned, in its present form, the allegations not having been substantiated except for bald pleadings having been made, the Court finds no merit in the instant application.

7. The application is dismissed.



8. It goes without saying that in case any complaint along with supporting material are brought to the notice of the respondent authorities, the same will surely be looked into and taken to its logical conclusion.

9. This Court clarifies that it has not given any findings on the merits of the allegations levelled by the petitioners but has left it open for the authorities to proceed and decide, only if the allegations are substantiated with supporting material.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	11.09.2024
Transmission Date	N/A

