

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12822 of 2024

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Sunil Shahi S/o Ram Laxan Shahi @ Ram Lakshan Shahi, resident of village- Sahbajpur, P.O- Bhikhanpura, Block- Mushahari, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Road Construction Department, Government of Bihar, Patna.
2. Bihar Public Grievance Redressal Officer, Road Construction Department, Government of Bihar, Patna.
3. District Magistrate, Muzaffarpur,
4. Superintendent Engineer, Road Construction Department, North Bihar Road Circle, Muzaffarpur.
5. Executive Engineer, Road Construction Department, North Bihar Road Circle, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate
For the Respondent/s : Advocate General

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

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

4 22-11-2024 Heard learned counsel for the petitioner and learned counsel for the respondent.

2. The petitioner who describes himself as a social /political activist of the locality has filed the instant application in the nature of a public interest litigation for commanding the respondents to take quick steps for construction of drains on both sides of Bochahan-Keotsa Road from old Zero Mile to Bakhri Chowk in Ahiyapur division, District Muzaffarpur.



3. The case of the petitioner in brief is that on the petitioner and others having approached the Bihar Public Grievance Redressal Officer, Road Construction Department, the authority concerned accepted the requirement of a drain and a Detailed Project Report (DPR) was received for construction of the same.

4. Learned counsel for the petitioner submits that inspite of several representations having been filed the Road Construction Department is not taking steps in the matter and hence the instant application.

5. Learned counsel for the respondents in reference to the counter affidavit filed on behalf of the respondent nos. 1 and 2 has submitted that estimate to the tune of Rs.13.89 crores (approx) for the drain in question was prepared and the same was sent to the department for administrative approval. The administrative approval has not been granted; yet for want of allotment the work is not commenced. It is submitted by learned counsel for the State of Bihar that administrative approval of the scheme will be granted as per per availability of fund in the Department and priority of the scheme.

6. Having heard learned counsel for the parties and taking into consideration the nature of prayer made in the application,



the Court is of the opinion that so far as the construction of drains etc. on the side of the road is concerned, the same are purely policy decisions to be taken by the respondent Government of Bihar based on the priority of schemes.

7. However, it may be observed that requirement of the drain having been accepted, as would be evident from the contents of the order of the Bihar Public Grievance Redressal Officer, Road Construction Department as contained in Annexure P/4, the Court expects that the matter will be taken up by the authorities and the required drains constructed at the earliest.

8. The application stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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