
(2007) 01 PAT CK 0077
In the Patna High Court
Case No : CWJC No. 4918 of 2006

Abdul Hannan

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 29-01-2007

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2007) 2 PLJR 410

Hon'ble Judges : J.N. Bhatt, C.J;S.K. Sinha, J

Bench : Division Bench

Advocate : Satya Nr. Mishra, for the Appellant; Anil Kumar Sinha, for the Respondent

Final Decision : Dismissed

Judgement

1. By this Public Interest Litigation petition under Article 226 of the Constitution of India, the petitioner, an alleged social worker, seeks direction against the respondents to complete the construction of pucca drain of Garh Kachahari Lane, which has not been completed since 2004 with a further direction to the respondents to take appropriate steps to repair the R.C.C. Road damaged due to water logging on account of non-completion of pucca drain with a further direction to the respondents to fix the liability upon the persons responsible for the delay and misappropriation in the construction of the said pucca drain and to take appropriate action against them in accordance with law. Learned counsels for the parties have been heard. A counter affidavit has been filed.

2. Our attention has been drawn to the averments made in paragraphs 6 and 8 of the counter affidavit. Paragraph 6 reads herein under as;

"That it was decided to construct pucca Nali in Garh Kachahari from Sahi Masjid to Chamar Toli for which a fund of Rs. 10,02,900/- was sanctioned and work was started accordingly and till now two thousand feet Nali has been constructed out of total thirty two Hundred feets. It is submitted that due to encroachment by

the local people on the spot and due to public obstruction the same could not be completed in time. However, now the situation has been normal and work has been started and the same is likely to be completed which will be evident from information given by the Asstt. Engineer deputed to complete the work."

3. The averments made in paragraph 8 read as follows.

"That regarding 1(iii), it has been submitted that due to local disturbances and encroachment etc. the construction was not completed in time. Work in remaining portion of the drain has been started and it will be completed at the earliest."

4. In view of the aforesaid averments and the submission of the learned counsel for the State, that the action shall be taken, as early as, possible for completion of the work, the petition is not pressed at this stage. However the liberty to move this Court is reserved. Accordingly, this petition shall stand dismissed.