
(2011) 10 JH CK 0062

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 2211 of 2010

Advocate Association

APPELLANT

Vs

State of Jharkhand and Ors

RESPONDENT

Date of Decision : 20-10-2011

Acts Referred:

Citation : (2012) 1 JCR 111

Hon'ble Judges : Prakash Tatia, C.J.;Jaya Roy, J

Bench : Division Bench

Judgement

1. We are constrained to observe that in spite of passing of the several orders by this Court in the matter of construction of the new building of High Court, only what has been done is that some steps have been taken so as to delay the matter only. We have reason to believe and which we have expressed in our earlier orders expressly that there cannot be a State without there being a High Court and, therefore, we even asked the Government to submit before us the financial implications assessment made before creation of the State of Jharkhand to find out whether there was a decision to construct a building of High Court and any fund has been allotted to the State Government by the Central Government to have a better High Court. Those assessments have not been placed before us. We have already taken note of the fact that much credit has been claimed by public announcement that the State is going to construct a new capital city and 11 years are going to pass in the period of one month only. Neither there is a new capital city nor there is a city having any stature like any capital city of any State in the entire State of Jharkhand including city of Ranchi. Several Ministers and officers are behind the bar and several are facing the criminal prosecution and several matters have been referred to the Central Bureau of Investigation by the order of the Court wherein it has been revealed that land of thousands of acre of land has been encroached and more than 35,000 constructed quarters and bungalows have been encroached from the properties of the Public Sector Undertakings situated within the city of Ranchi and High Court is not being given land of only 250 or so acres. This Court, on more than one occasion, has already

observed that in the State of Jharkhand in extra ordinary circumstances which are prevailing in the State, had passed several orders on several matters and which in fact gave relief to the public at large. Thereafter, this Court clearly observed in another Public Interest Litigation that if Government starts working, the Court may stop even entertaining the Public Interest Litigation for the Issues which can be addressed by the State Government itself and some petitions have already been disposed of by this Court in clear hope that the State will start working

2. We are constrained to observe that in spite of submitting of an expert report by this Court to the State Government for requirement of the land for the High Court as suggested by the State Government itself, indicating requirement of 225 acres of land wherein some of the components have not been included, yet today a tentative report has been placed before us which, according to State, has been got prepared from some consultant. It appears that facts taken into account were with respect to the buildings constructed for other High Courts, but from this report it does not appear that the report submitted by the High Court was taken into account and considered. Not only this, the total land requirement for entire High Court building including Advocate General's Office, Advocates' Block, Typist and Service Block, PWD Office, Guard Rooms and Electric Sub-Station Building, 58 acres of land has been shown. Learned Advocate General submitted that in this plan the construction of even Court Rooms will be in two floors and this stand is clearly contrary to the stand taken by the High Court that there cannot be multistoried building in first phase as such steps can be taken subsequent to the construction of the first phase of the building providing space for atleast 30 Judges so that in future, within no time, the High Court and the State may not need to search for another land after spending rupees of hundreds of crores on such type of building which is sought to be constructed on such small land. We do not know why the details have been taken from the Courts where buildings are small. We are conscious that High Court can have the land to the extent of requirement of the High Court and may not need the land for the High Court to the extent which may be needed in any metro cities. It appears that the State of Jharkhand and the consultant has not even looked into new building sought to be constructed at Delhi nor has taken into account the parking area and the construction cost. The High Court is not demanding by taking in account the most costly Court building of the country

3. We are of the considered opinion that in the report when the land has already been earmarked for the High Court then same land has been proposed by the High Court also in its proposal, therefore, when the land is available, location is settled by the State Government, then there is now no hitch in declaring the land for High Court as proposed by the High Court in the report submitted by the State Government and we, therefore, direct the State Government to handover the land in the area as has been proposed by even the expert of the State to the extent as proposed by the High Court in report submitted to the Government measuring 225 acres and in case it is not done so, by or before 8th November,

2011 and a declaration is not made, then the Chief Secretary, Government of Jharkhand shall remain present in Court to explain the stand of the State whether in fact they want to kill the time or they want to provide this land to the High Court as more than four months have passed to the last date given by us for giving land for High Court

4. Put up this case on 09.11.2011.

5. Let a copy of this order be given to the learned Advocate General and also to the learned amicus curiae by tomorrow