

(2004) 05 PAT CK 0004
In the Patna High Court
Case No : C.W.J.C. No. 4629 of 2004

Architect Rewat

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 20-05-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 3 BLJR 2366 : (2004) 4 PLJR 47

Hon'ble Judges : Ravi S. Dhavan, C.J.; R.N. Prasad, J

Bench : Division Bench

Advocate : Party in Person, for the Appellant; P.K. Shahi, for the Respondent

Judgement

Ravi S. Dhavan, C.J. and R.N. Prasad, J.—The petitioner is an Architect by profession. He has brought this writ petition as a Public Interest Litigation as he feels that construction of a bridge which connects Munger and Khagaria over the river Ganges is not ideal in its design. He has an alternate plan. According to him, instead of an over bridge there should be a tunnel which ought to go under the river. He has submitted a plan of his own, the thesis of which is that areas of Munger and Khagaria are within seismic zone. The under tunnel or a conduit which should connect Khagaria and Munger will take a shake of an earthquake better than an over bridge. The Court cannot make any comments on this as the Court is not an expert. The Court may respect the idea of the petitioner as it is not unknown that there have been tunnels which go under the river, elsewhere in the world. The one under the English Channel is one.

2. The exercise is perhaps academic. May be the petitioner has an idea to sell academically and perhaps he is finding no takers on his engineering plans. He has made a plan for a tunnel running under the river Ganges to connect. Munger and Khagaria.

3. The Court cannot certify that the bridge which has been engineered by the Government of India is faulty. Somebody's plan has to work. Perhaps the bridge

which has been contemplated by the petitioner may be an alternate idea. But the execution is to be undertaken as a policy by the Government, not by the Court.

4. The other submissions made by the petitioner are not compatible with academics on engineering. That tenders may not have been invited or that the Court orders a C.B.I, inquiry or that the railway-cum-road bridge if constructed may cause a loss of Rs. 850-900 crores rupees is not an evaluation which the Court can make so easily as is submitted. The petitioner, thus, should keep his academics detached from his idea on engineering should he chase it further. If the petitioner is an architect, he may perhaps discuss and leave his plan with the Council of Architecture so that if it is not used for the present it may remain as an idea to be considered in future at any other place, provided the idea is original.

5. The writ which the petitioner seeks the .Court cannot grant.

6. Consigned.