

(2011) 06 JH CK 0100
In the Jharkhand High Court
Case No : Writ Petition (PIL) No. 803 of 2005

Dhananjay Kumar Dubey

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 06-06-2011

Acts Referred:

Citation : (2011) 06 JH CK 0100

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

Bench : Division Bench

Judgement

1. In the matter of construction of over-bridge at railway crossing situated at Namkum, Ranchi, this Public Interest Litigation was entertained as back as on 14.02.2005 and since then several orders were passed including the order dated 04.04.2011 whereby notice of contempt of Court was issued to the Secretary, Road Construction Department, Government of Jharkhand and the State Government straightway asking them to show why they should not be punished for contempt of Court.

2. However, said order dated 04.04.2011 has been stayed by the Hon'ble Apex Court vide order dated 8th April, 2011 obviously for taking proceeding for punishing the contemnors.

3. However, the learned Counsel for the State as well as the learned Counsel appearing for the Union of India submitted that the process of completion of bridge is going on.

4. In view of the statement of learned Counsel for the State Government as well as the learned Counsel for the Union of India, this Court certainly can look into the matter which delayed the completion of bridge of public importance leaving apart the contempt proceedings.

5. Learned Counsel for the State drew our attention to the minutes of the meeting taken by the Chief Secretary, Government of Jharkhand regarding

construction of the Railway over bridge-cum-flyover-cum-High level bridge dated 13.04.2011 attended by the Chief Secretary and other officers of the State Government including the Army Officials from the Ministry of Defence.

6. It has been pointed out that formal possession of the Government land of equal value at Sugnu at Ranchi in lieu of 1.32 acres additional land at Namkum shall be given to the defence authorities by the Deputy Commissioner, Ranchi and it has been noticed that for obtaining the approval of the competent authorities approval sometimes may be required, therefore, now only handing over of 1.32 acres of land by the Ministry of Defence to the State Government is left out.

7. Learned Counsel for the State submitted that progress in construction of the above over bridge which is going on over the land, is already in possession of the State Government and the State is filing the progress report today itself.

8. Learned Counsel for the State submitted that a formal proposal for transfer of land was submitted to the Union of India on 27.4.2011 and a copy of this proposal has been placed on record today.

9. We already noticed that the matter relating to the construction of such public importance project is going on since last four years and several orders have been passed by this Court and the Court even took strong view with sole approach to see the project completed, therefore, we direct the competent authorities of the Union of India to take a decision expeditiously and not in routine manner. We hope that the decision will be taken within 15 days from the date of receipt of a copy of this order by the concerned officer which may be sent by the Counsel for Union of India.

10. A copy of this order be given to the counsel for the State as well as the counsel for the Union of India forthwith.

11. Office is further directed to show the name of learned Counsel for the State Mr. R.R. Mishra in the cause list in future.

12. Put up on 27.06.2011.