

(2000) 09 PAT CK 0020
In the Patna High Court
Case No : C.W.J.C. No. 1043 of 1998 (R)

Dilip Keshri and Another

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 04-09-2000

Acts Referred:

Citation : (2000) 3 BLJR 2143

Hon'ble Judges : M.Y. Eqbal, J;A.K. Prasad, J

Bench : Division Bench

Judgement

M.Y. Eqbal and A.K. Prasad, JJ.—This Writ application has been pending since 1998. It is in the nature of Public Interest Litigation, wherein prayer has been made for issuance of direction for construction of high-level permanent bridge at Namkum over Subemarekha river on Ranciii-Purulia road.

2. Admittedly, this bridge was constructed much prior to independence and it has not been disputed that the bridge is in such a dilapidated condition since more than 21 years that at any time it may collapse. Taking into consideration the urgency of the situation, this Court time to time issued necessary direction to the respondents. On the last day, i.e. on 18.5.2000, a Bench of this Court passed the following order:

13/18.5.2000 Heard counsel for the parties. Pursuant to order dated 8.5.2000, Secretary, Department of Road Construction Department, Government of Bihar, has appeared in person and has tiled show-cause. In the show-cause, it is stated that the part of Ranchi-Purulia road from Kanta Toli to Namkum Railway level crossing now has been handed over to National Highway which is under the Ministry of Surface Transport, Government of India and thus this stretch is a part of N.H. 33 which is a heavy traffic corridor. It is further stated in the show-cause that consultations, have already been made with the authorities of South-Eastern Railway, Adra and the work shall be started soon and preferably within a period of three months from today provided the State Government gets co-operation from the Railway authorities. The Secretary of the department also informs this

Court that all endeavours shall be made from his end to start the work pursuant to the directions of this Court shortly.

To expedite the matter, in view of the statement made in the show-cause, it would be desirable to call upon the authorities of the South-Eastern Railways and the learned Counsel for the petitioners is directed to implead the Chief Engineer (Bridge), South Eastern Railway, Calcutta and the Divisional Engineer, Railways, Adra as respondent Nos. 10 and 11.

Mr. Indraneel Banerjee, J.C. to Mr. P.K. Sinha, learned Counsel appearing for the South Eastern Railway, accepts notice on behalf of newly added respondent Nos. 10 and 11.

In view of the assurance given to this Court by the Secretary of the Department, no further direction is required to be issued at this stage. However, it is observed that the Secretary, as per his undertaking, shall keep contact with the authorities of the Railway and shall proceed with the work as soon as it is possible.

Put up this matter again on 4th September, 2000, under the same heading.

Personal appearance of the Secretary, Road Construction Department, is dispensed with for the time being.

3. Today, Mr. P. Modi appears on behalf of the Chief Engineer (Bridge), South Eastern Railway, Calcutta, and the Divisional Engineer, South Eastern Railways, Adra, and submits that the Divisional Engineer, South Eastern Railways, was duly informed about the order passed by this Court by letter dated 24.5.2000 by Mr. P.K. Sinha, Sr. Counsel appearing for the Railways, but till date neither any officer of the Railways contacted him, nor any instruction has been given. It appears that the Railway authorities are taking the matter very lightly. We, therefore, direct the Divisional Engineer, South Eastern Railways, Adra, to appear in person on 18.9.2000 in Court and to file show-cause, besides filing of counter-affidavit, to explain as to why a proceeding should not be initiated against him for committing contempt of this Court.

4. Today, an affidavit has been filed on behalf of the Secretary, Department of Road Construction, Bihar, in which similar vague statements have been made regarding preparation of General Arrangement Drawing by the Road Construction Department and making correspondence with the Railway authorities. However, in para 8 of the affidavit, it is stated that the existing old bridge on Swarnarekha river can be widened without affecting the General Arrangement Drawing (G.A.D.) and for that purpose the work of widening has already been taken up in anticipation of approval of the estimate by the Ministry of Surface Transport, Government of India.

5. The Government Advocate further submits that he has received instructions from the Executive Engineer, National Highway Division, Ranchi, in which details of the works already undertaken by the Executive Engineer has been given. The Government Advocate is directed to file affidavit which shall be sworn by the

Executive Engineer, National Highway Division, Ranchi, about the facts said to have been communicated to the Government Advocate.

6. Mr. Poddar, learned Counsel appearing for the petitioners, if so advised, may also file reply to the affidavits filed by the Road Construction Department. The name of Mr. P. Modi appearing for the South Eastern Rlys. should appear in the daily cause list.

7. Put up this case on 18.9.2000. Let a copy of this order be given to the learned Government Advocate for needful.