
(2018) 06 UK CK 0073

In the Uttarakhand High Court

Case No : Writ Petition (P.I.L.) No. 07 of 2017

Kuldeep Singh Bisht

APPELLANT

Vs

Union of India & others

RESPONDENT

Date of Decision : 19-06-2018

Acts Referred:

Citation : (2018) 06 UK CK 0073

Hon'ble Judges : V.K. BIST, J;MANOJ K. TIWARI, J

Bench : Division Bench

Advocate : Nalin Saun, Rajesh Sharma, Paresh Tripathi

Final Decision : Disposed Off

Judgement

V.K. BIST, J

MANOJ K. TIWARI, J

1. Present Public Interest Litigation has been preferred by the petitioner seeking the following reliefs:

â??a) Issue a writ order or direction in the nature of Mandamus directing the respondents to take effective steps for completion of the Nakuri-

MangliseraKunsi-Barsali Motor Road (7.95 kms.) road.

b) Issue a writ order or direction in the nature of Mandamus directing the respondents to ensure that the erring persons/ officials who are responsible

for the grave irregularities in respect of construction of the said road may be punished suitably after conducting a fair and impartial inquiry into the matter.â??

2. Briefly put, the case of the petitioner is as follows:

On 18.10.2006, under the Pradhan Mantri Gram Sarak Yojna, construction of

Nakuri-MangliseraKunsi-Barsali Motor Road (7.95 kms.) was

sanctioned by the Government of India. Thereafter, tenders were invited by the Public Works Department and the contract was awarded in favour of

the respondent no. 4 on 19.04.2010. As per the contract, the date of commencement of construction work was 19.04.2010 and the date of completion was 18.04.2011.

Thereafter, the aforesaid time period of the contract was extended upto 31.03.2015. It is stated in the writ petition that, after lapse of a long time, the construction of the said road could not be completed. Thereafter, petitioner moved various representations before the authorities concerned; but all in vain. Hence this writ petition (P.I.L.).

3. It is the contention of the learned counsel for the petitioner that huge amount of public money has been paid to the contractor of the road; but, till date construction has not been completed.

4. Learned Chief Standing Counsel appearing for the State of Uttarakhand, on instructions, would submit that, out of the sanctioned length of road i.e.

7.95 Kms., 6.95 Kms. Road has already been completed. He submitted that the remaining road is to be constructed for which tender was invited and

lowest tenderer was awarded the contract. In support of his submission, learned Chief Standing Counsel 3 supplied a copy of the letter of the

Executive Engineer, Pradhan Mantri Gram Sarak Yojna (P.M.G.S.Y.), Irrigation Division, Uttarkashi dated 14.06.2018 addressed to him, which is

kept on record.

5. Learned Chief Standing Counsel submits that the road is constructed under P.M.G.S.Y, which is a centrally funded scheme, therefore, the funds for

the remaining work is to be released by the Central Government. Thus, according to him, the work could not be completed due to paucity of funds.

6. Be that as it may, public interest demands completion of road projects within time schedule. If work is stalled due to paucity of funds, then the State

Government may approach the Central Government.

7. The Public Interest Litigation is disposed of with liberty to the State Government to approach the Central Government for release of funds at the

earliest. If such request is made by the State Government, the Central Government is expected to release the necessary funds, without unnecessary

delay.