

(2000) 08 PAT CK 0032
In the Patna High Court
Case No : C.W.J.C. No. 6828 of 2000

Narendra Kumar Singh

APPELLANT

Vs

Sate of Bihar and Others

RESPONDENT

Date of Decision : 02-08-2000

Acts Referred:

Citation : (2000) 3 PLJR 835

Hon'ble Judges : Ravi S. Dhavan, C.J;Aftab Alam, J

Bench : Division Bench

Advocate : Shyama Prasad Mukherji and Shanti Pratap, for the Appellant; S.A. Narain and S.D. Yadav, for the Respondent

Judgement

1. For whatever may be the reason why work on a certain sector of a highway Chapra-Siwan road (33.00 to 38.8 km) may not have been going on or why the work may have been assigned to one contractor by eliminating the other, is an aspect on of the merits of the case in which the High Court is not going into. On what has been stated, it is claimed that 5.8 Kms of this stretch of public highway is under construction and reconstruction. and the contract has been assigned to a wrong party.

2. At the outset this Court is declaring that it is not interfering in the issues which have been brought by this writ petition. Otherwise, the High Court notices that whatever may be the controversy the Hon''ble members of the Legislative Assembly on different occasions addressed their letters to the Commissioner-cum-Secretary, Road Construction Department, State of Bihar and made certain enquiries about the quality of road construction or the assignment of the contract. The contention on the writ petition is that these authorities did not even respond to the communication of the members of the Legislative Assembly and the High Court now should give attention to the matter.

3. If what is contended is correct, then, it would be bad day if the bureaucracy would not respond to the inquiries from the members of the Legislative Assembly

and if this avoidance continues, they will do so at their own risk and be answerable to the House that be the Legislature.

4. It is for this reason that the High Court is not interfering on this petition as what the Petitioner desires from the High Court is also the subject matter of enquiries being made by the members of the Legislative Assembly.

5. In a Parliamentary Democracy a member of the Legislative Assembly is entitled to receive an answer on an enquiry made without delay. Otherwise, the logical consequences may follow that it could become an issue for answerability on the floor of the house for those who run the administration, through the Hon"ble Minister who holds the portfolio on the subject.

6. As the court case for the day yesterday, it required Mr. S.D. Yadav, learned Government Advocate to bring this matter to the notice of the Advocate General, Bihar. Today, the learned Advocate General has appeared and has made a statement, to the effect, that the. enquiries being made by the Hon"ble members of the Legislative Assembly are being attended to at the Secretariat.

7. This in itself implies that the High Court should not go further on this petition.

8. Consigned.