
(2010) 07 AHC CK 0233

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 63057 of 2009

Prem Chandra Srivastava

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 02-07-2010

Acts Referred:

Citation : (2010) 07 AHC CK 0233

Hon'ble Judges : Sunil Ambwani, J and Virendra Singh, J

Final Decision : Allowed

Judgement

Virendra Singh, J.—In this writ petition filed in public interest Shri Prem Chandra Srivastava, resident of Village and Post Kilhapur (Tarhethi) Distt. Jaunpur, has on his behalf, and for the benefit of the residents of the area around river Varuna sought intervention of the Court against the diversion and relocation of the bridge over the river constructed by the Department of Irrigation, Government of U.P. from public funds, to serve the individual interest of respondent Nos.3 to 5, to connect their agricultural fields on either side of the river. It is alleged that the site of the bridge proposed on the river Varuna amongst the 11 bridges to be constructed in pursuance to decision taken in the meeting dated 25.7.2007 of the Irrigation Department, under the Chairmanship of the Hon'ble Minister, on "Varuna Nala", 0.00 k.m. to 38.3 k.m. in respect of Village Road Bridge (VRB) at K.M. 21.945 at Tarhethi Bazar, has been changed illegally and arbitrarily only on an application given by respondent No.3 seeking approval to connect the fields of respondent Nos.3 to 5.

2. On 23.11.2009 we called upon the respondents to file replies and stayed the construction of the bridge by an order as follows:

"In this writ petition filed in public interest, the petitioner has raised an issue of construction of a bridge? connecting the fields of private individuals, arrayed as respondent nos. 3, 4 and 5 for their benefit from public funds. It is stated that the public money is being spent on the constructions of the bridge on river "Varuna" connecting the fields of respondent nos. 3, 4 and 5. There are no

approach roads to the bridge on either side and that the alternate bridge is only at a distance of 1.5 KM, for use by general public. It is also stated that the requisite permission under Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 for construction of bridge has not been taken from the U.P. Pollution Control Board.

Shri Alok Kumar Yadav, learned counsel for petitioner submits that the respondent nos. 3, 4 and 5 are influential persons and that they have got the bridge sanctioned from public funds for their individual use, without any public purpose.

Learned Chief Standing counsel has accepted notice on behalf of respondent nos. 1, 6, 7, 8 and 9. Shri P.C. Shukla appears for U.P. Pollution Control Board respondent no.2. Issue notice to respondent nos. 3, 4 and 5. Steps in three days.

List/put up on 30.11.2009.

Learned standing counsel has placed on record the instructions received by him and signed by the District Magistrate, Jaunpur, and Sub Divisional Magistrate, Machhalishahar, Jaunpur on 21.11.2009. In these instructions, it is stated that the respondent nos. 4 and 5 are police officers. The respondent nos. 3, 4 and 5 are real brothers and their mother is the Pradhan of Village Tarhethi. It has been denied that the bridge is being constructed only for the benefit of respondent nos. 3, 4 and 5. The bridge over river "Varuna" to connect District Jaunpur and village Sultanpur, District Allahabad, has become old and dilapidated and keeping in view of the public interest in mind and the interest of the villagers, the subject bridge is being constructed. The flow of the river is not likely to be affected and that the constructions are in progress near the old bridge.

The District Magistrate and the Sub Divisional Magistrate have thereafter in their instructions admitted that there is no "Chak" road or a road for approaching the bridge on both the sides. There is a Kharanja road, which passes through the fields of respondents no. 3, 4 and 5, and is being used by the villagers. On the other side of the bridge in village Sultanpur, there is a road, which connects it with pakki sarak. The District Magistrate, and the Sub Divisional Magistrate have opined that it is not correct to say that the bridge will benefit only respondent nos. 3, 4 and 5.

A proposal of the utility; technical appraisal; and permission from the State Government and U.P. Pollution Control Board are essential for constructing any bridge. It is admitted in the report of the District Magistrate, Jaunpur and Sub Divisional Magistrate, Machhalishahar, Jaunpur, that there is no public road, which can be used to connect the bridge on both the sides. The Kharanja passes through the agricultural fields of respondent nos. 3, 4 and 5. It is doubtful whether this Kharanja can be used by general public and whether it is easily connected with the villages so that the bridge under construction can be used by general public.

We are prima facie of the opinion that the public money is being used to benefit only a few individuals.

We therefore direct that until 30.11.2009 the respondents shall not proceed to constructions of the bridge. A copy of the order may be given to Chief Standing Counsel tomorrow for compliance."

3. Shri Alok Kumar Yadav, learned counsel for the petitioner submits that the mother of respondent Nos.3 to 5 Smt. Israji was the Gran Pradhan of Village Tarhethi, Distt. Jaunpur. She utilised the Gram Sabha fund for constructions of a small bridge at a place, where it connected the fields of respondent Nos.3, 4 and 5 on either side of the river. The unauthorised constructions of the bridge without technical clearance and permission of the Irrigation Department stopped the flow of the stream of the river during rainy season and threatened floods to the village and its vicinity on both sides.

4. The Irrigation Department sanctioned construction of 11 bridges across river Varuna after desilting. One of the bridges was proposed at Tarhethi Bazar at 1.54 km. from the Tarhethi Gaon, where the old bridge of Gaon Sabha exists. Instead of constructing the bridge with six span, at Tarhethi Bazar, the Irrigation Department started constructions at about 40", from the old Gaon Sabha bridge.

5. The villagers had protested to the relocation of the site of construction of the bridge. They approached their local Member of Legislative Assembly Shri Subhash Pandey, who is also the Minister of Culture in the State of U.P. by making a representation on 13.7.2009 to construct a new bridge. The applications were forwarded by the local M.L.A. to Hon"ble the Chief Minister on 18/20.7.2009 along with covering letter. Shri Dinesh Kumar Dubey, Advocate, a resident of the village also moved an application on 5.11.2009 under Right to Information Act, 2005 before the respondent Nos.6 and 7, for information, whether any permission from the Pollution Control Board has been obtained for construction of the new bridge in village Tarhethi. In the meantime, the constructions continued compelling the petitioner to approach the Court. It is submitted that under Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 no person is permitted to knowingly cause or permit to enter into any stream, which may tend either directly or in combination with similar matters to impede flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution. Subsection (2) provides that person shall be guilty of an offence under subsection (1), by reason only of having done or caused to be done any of the following acts, namely (a) constructing, improving or maintaining in or across or on the bank or bed of any stream any building, bridge, weir, dam, sluice, dock, pier, drain or sewer or other permanent works which he has a right to construct, improve or maintain. Shri Alok Kumar Yadav alleges that on enquiries the respondent Nos.5 and 6 could not show, the no objection certificate issued by the Pollution Control Board to construct the bridge, and to the best of the knowledge of the petitioner and other villagers no such certificate was ever obtained from the Pollution Control Board.

6. Shri Yadav submits that the bridge is being constructed by the Irrigation Department at Village Tarhethi by changing the site, from public funds only to connect Plot Nos.1711 and 1717 of respondent Nos.3, 4 and 5 situate in Jaunpur with their plots situate on the other side of the river falling in District Allahabad. The constructions are wholly unauthorised, and will deprive the villagers and other persons, of the construction and use of the proposed bridge at Tarhethi Bazar. The disputed constructions of the bridge do not have a road in alignment on both sides of the main road. The respondents have provided a connecting road on both sides, a way by a diversion at 900 to avoid the agricultural fields of respondent Nos.3, 4 and 5, causing a permanent deviation on the approach road of the bridge. The entire activity is being done at the behest of respondent Nos.3, 4 and 5 having good connections in the Government. There is no order passed by any competent authority for such diversion.

7. Before considering the averments made in the affidavits filed by Asstt. Engineer, Drainage Division, Fatehpur it is necessary to point out to the averments in the affidavit of Shri Sumit Benjamin Franklin posted as Regional Officer, U.P. Pollution Control Board, Varanasi. In para 7 of his affidavit he has stated that no representation has been received by the U.P. Pollution Control Board from the respondent Nos.3 to 9. No application to obtain No Objection Certificate was submitted. The contents of Para 7 of the affidavit is quoted as below:

"7. That in reply to the contents of paragraph No.19, and 26 of the writ petition it is submitted that no representation has been received by the answering respondent from the respondent Nos.3 to 9. No application to obtain No Objection Certificate has been submitted either. The aforesaid activity is gross violation of the provisions of Section 24 of the Water Pollution (Prevention and Control) Act, 1974. It is further submitted that as per the report of spot inspection carried out by the answering respondent, it is evident that construction of a bridge on the spot in question will severely affect the environment due to obstruction of flow of water in the river Varuna. A true and correct copy of inspection report dated 30.11.2009 is being filed herewith and marked as Annexure No.C.A.1 to this counter affidavit."

(emphasis supplied)

8. The inspection report of Shri P.P. Srivastava, Asstt. Environment Engineer and Shri B.K. Srivastava, Technical Assistant dated 26.11.2009 annexed to the affidavit of Shri Sumit Benjamin Franklin, Regional Officer, U.P. Pollution Control Board, Varanasi reads as follows:

9. In the counter affidavit of Shri Narendra Prasad Singh, Asstt. Engineer, Drainage Division, Fatehpur it is stated in para 4 that Varuna Nala originates from Mailhan Jheel of District Allahabad. The total length of Varuna Nala is 33.800 km. The Varuna Nala meets at Village Bari, Distt. Allahabd, with another Nala namely Sahanva Tal Nala and after this place it is called as Varuna river.

There are total 11 bridges on Varuna Nala between the distance of 0.00 km. to 33.800 k.m. The bridges are of two kinds namely Village Road Bridge (VRB) and District Road Bridge (DRB). Out of these 11 bridges there are 5 DRB and VRB, one railway bridge and one cross regulator. The water flowing capacity of the Varuna Nala has been reduced due to narrowing of nala on the deposit of silt, and as such during rainy season the "nala" gets flooded, affecting 24 villages and their agricultural land. The villagers and their representatives made their representations to raise the water flowing capacity and to improve the drainage capacity of Varuna Nala on which a project namely "Rehabilitation and Improving Drainage Capacity of Varuna Nala" was prepared in order to provide facility to the general public. The project was sanctioned by the High Level Committee of the Irrigation Department on 25.7.2007, in which administrative, technical and financial approval was given.

10. It is further stated in the counter affidavit of the Asstt. Engineer, Drainage Division, Fatehpur that the project included the reconstruction/ extension of bridges situate on the Nala. The bridges, which are in good condition are not being disturbed, only extension is being made. The bridges, which are not in good condition, rather in dilapidated condition are being replaced by new bridges, which is nearby or on the sides of the bridges. The bridge in question is in dilapidated condition shown by letter "D" in the site plan. In para 12 it is stated, "that bridge in question is having both side connecting way since the initial construction of this bridge and the general public uses this bridge from the way existing to connect this bridge."

11. In para 14 and 15 of the affidavit it is stated that the total width of the new constructed VRB is 4.25 mtrs. This bridge will be connecting the old ways already existing. The long section of Varuna Nala in order to increase water flowing capacity and drawing of V.R.B. was sanctioned by the Chief Engineer. In para 19 it is stated that the bridges are being constructed at the side of old bridges. It is wrong to say that the bridge is being constructed under the influence of respondent Nos.3, 4 and 5 and the allegation that the bridge in question will stop the stream of "nala". The flow of water begins from Mailhan Jheel to Varuna river, which ultimately meets with Ganga river at Varanasi. In para 28 it is stated that the bridge is 50% complete and the material is lying at the site of the river.

12. Annexure No.CA1 to the affidavit of Shri Narendra Prasad Singh, Asstt. Engineer, Drainage Division, Fatehpur shows that original bridge VRB was proposed to be constructed at Tarhethi Bazar at 21.945 km., which has been shifted to Point "D" (VRB) at Tarhethi Gaon at 23.485 km. The distance between the site of the proposed bridge and the site where the bridge is being constructed admitted by the Irrigation Department is 1.54 kms.

13. The State has filed the affidavit of Shri Ramesh Chandra Yadav, Tehsildar, Machali Shahar, Distt. Jaunpur in which it is stated that Varuna Nadi flows between Distt. Jaunpur and Allahabad. A pakka bridge exists on the river at Kilhapur Tarhethi Bazar, which connects Tarhethi Tehsil Machchali Shahar,

Jaunpur to Village Sokoshvir, Tehsil Handia, Distt. Allahabad but that this bridge is situate at 1.5. kms. towards west of the bridge under construction. In para 5 he states that the respondent No.3 is member of Gram Panchayat and respondent Nos.4 and 5 are police officers. They are all real brothers. Their mother is Village Pradhan of Village Tarhethi. The land towards Village Tarhethi is recorded transferable bhumidhari of respondent Nos.3, 4 and 5, whereas the land in Village Sultanpur the other side of the village is recorded in the name of Late Maharajdeen @ Matadeen son of Gurudeen, the father of respondent No.3, 4, and 5. In this manner Araj No.1711/0.547 hects. in Village Tarhethi is recorded in the name of Shri Brij Lal, Jag Mohan and Sudhakar sons of Maharajdeen and Araj No.1717/0.668 hects. in the Village Tarhethi recorded in the name of Brij Lal, Jagmohan and Sudhakar, sons of Maharajdeen and Israji Devi. He has denied in para 7 that the bridge is being constructed only for the benefit of respondent Nos.3, 4, and 5. Prior to construction of this bridge, a bridge of small width was constructed for local needs. It has become old and thus the construction of new bridge will be of benefit to the villagers on both sides of the river and will be convenient for the movement of the villagers on both sides. He has also stated that some of the farmers of Village Sultanpur Tehsil Handia Distt. Allahabad also have their land in Village Tarhethi Distt. Jaunpur such as in Araj No.1717/0.656 hects. of Shri Lal Pratap son of Udai Pal and Araj No.1712/1.0.84 in the name of Shri Chote Lal, Shri Lal Bahadur, Ram Bahadur and Fauzdar, sons of Shri Thakur Baksh.

14. In paras 9 and 11 he has denied that the bridge will raise any issue of water logging or floods. In para 13 he states that there is an old passage of "kachcha bricks" to connect the old bridge constructed by Gaon Sabha near the new bridge by adding the boundaries of Plot Nos.1717, 1709 and 1710. This kachcha road travels upto Gata No.1700, which is recorded as "nala" on which a kachcha brick road is constructed and which meets the pucca road. Gata No.1711 belongs to respondent Nos.3, 4 and 5 and Gata Nos.1709, 1710 belongs to Chotte Lal and Ram Lal sons of Jagdev. The bridge under construction is adjacent to Gata No.1710. The kachcha road is used by the villagers. The road on the other side of the river also meets the main road.

15. Shri Bal Mayank Misra, S.D.M., Machhli Shahar, Jaunpur in his affidavit states in paras 5, 6 and 7 as follows:

"5. That it is further submitted that from the map it is clear that the distance between the damaged old bridge and new bridge is 40 Mts. From the map it is also clear that earlier the approach khadanja was proposed shown by letters from "Ka" and "Kha", and connecting with the khadanja "Ga" and "Gha" over the Nali as recorded in the village records. The plot No. of Nali shown by Letters "Ga" and "Gha" is plot No.1700. The total distance of "Ka" and "Kha" is as follows:

1. KaKha 90X3 =270 Sq. Mts.

=0.027 Hectares

In 1711 0.013 Hectares Brij Lal and others sons of Maharaj Deen

In 1710 0.014 Hectares Chotey Lal and others sons of Jag Dev

2. KhaGa. Nali Par Kharanja, has been recorded in name of Gram Sabha

$314 \times 3.75 = 1177.5 \text{ Sq. Mts.}$

$= 0.118 \text{ Hectares.}$

6. It is also submitted that from the map it is clear that the approach road shown by letters "Ka" to "Kha" are from the Bhumidhari of Plot No.1710 and 1711. Plot No.1710 belongs to Chotey Lal and Plot No.1711 belongs to respondent Nos.3, 4 and 5. For convenient perusal by this Hon'ble Court Photostat Copy of the Map is being filed herewith and marked as Annexure No.A1 to this affidavit.

7. That it is further submitted that in the order dated 5.12.2009 it has been recorded that in paragraph 4 of the counter affidavit filed by Shri Ramesh Chandra Yadav, Tehsildar, it is stated that the old bridge is 1.5. kmts. towards west. In this regard it is submitted that in fact the said reference was to another bridge and was not with regard to the distance between the old bridge and new bridge in question. The deponent reiterates that the distance between the damaged old bridge and new bridge is 40 Mts."

16. Shri Satya Prakash Mishra, Tehsildar, Tehsil Handia, Distt. Allahabad has also filed an affidavit stating therein that survey was made in pursuance to the order of the Court dated 5.12.2009 by the Naib Tehsildar and map was prepared according to which the approach road towards bridge under construction has bifurcated the plots belonging to respondent Nos.3, 4 and 5 namely Plot No.187, 188, 275 and 276. He has stated that now the approach road is going at the one end of bhumidhari belonging to the said respondents as shown in the map by letters "Ka" "Kha" "Ga". The total distance as shown in the report by letters "Ka" and "Ga" is 180 mts. and the total area is around 630 sq. mtrs. As per the measurement carried out by the answering respondent the distance between old bridge and the new bridge is 40 mtrs. and the width of the approach road is 12 feet as has been shown by letters "Ka" "Kha" and "Ga".

17. He further states in para 5 that the bhumidhars of the plots from whose land the approach road is going, have already undertaken to surrender the said land for being used as public road. Their statement that they are ready to surrender has been annexed to the affidavit.

18. We repeatedly requested the Addl. Advocate General to show us the permission of the competent authority, with revised technical, administrative and financial appraisals, for shifting the bridge from its old site at Tarhethi Bazar km. 21.945 to Tarhethi Gaon km. 23.485; the permission of the Pollution Control Board, and to demonstrate whether the approach road would be running in a straight line, and the provision of village road (chak road) through the fields of respondent Nos.3, 4 and 5. He has filed an affidavit of Shri Narendra Prasad

Singh, Asstt. Engineer, Drainage Division, Fatehpur stating as follows:

"3. That so far as the justification regarding selecting the site for the purposes of construction of the New Bridge is concerned, it is submitted that earlier on the Phulpur side of district Allahabad the road was bifurcating the land of respondent Nos.3, 4, 5 almost middle of their plots. It is further submitted that the said respondent Nos.3, 4 and 5 in fact made the request to take their land for the purposes of approach road from the right side of their land shown in the map by letters "A" and "B". It may be clarified that earlier the approach road is shown in the map by letters "C" and "D".

4. That it is further submitted that the said approach road connects Village Tarhati of Jaunpur District to Village Sultanpur Gaon of Allahabad District. The total distance between the two Villages is around 400 Mts. The distance between the old bridge and the new bridge as measured by the answering respondent is 35 Mts.

5. That it is also submitted that in fact the availability of the land was ensured and the Bhumidhars of the land from whose land the approach road was to be constructed to connect it within the main road. The Bhumidhars of the respective plots has undertaken to be part of their land for being used as public road permanently, leaving all their rights over the said land. For convenient perusal by this Hon"ble Court Photostat Copy of the Map together with the report submitted Executive Engineer, Drainage Division, Fatehpur dated 8.12.2004 along with documents annexed therewith is being filed herewith and marked as Annexure No.A1 to this affidavit.

6. That from the aforesaid facts it is clear that precaution has been taken to provide the approach road for being used as public road, while constructing the new bridge, and the justification for selecting the site was in fact the land to be provided by the owners/ Bhumidhars towards district Allahabad side, as they wanted to save their land to be bifurcated in two part, as was the position earlier, though they showed their readiness and willingness to be part of their Bhumidhar land and requested for taking the same on the one hand of their Bhumidhar Land as shown in the map by letters "A" and "B".

19. Annexure A1 verified by the Executive Engineer, Drainage Division, Fatehpur would show that on both sides of bridge under construction approach the proposed kacha road turns at 900 to meet the brick layered road to the connecting roads. These 900 turns have been provided to avoid the agricultural fields of respondent Nos.3, 4 and 5. The certificate of the same Executive Engineer dated 18.12.2009 verifies that the site of the original sanctioned bridge (VRB) has been changed. The old bridge, which was constructed from the fund of Gaon Sabha was proposed to be dismantled in the proceedings of the meeting dated 25.7.2007. This old bridge crossed the river to Village Sultanpur through the fields of Shri Brij Lal Yadav. At the time of rehabilitation of the Varuna Nala, the said farmer made a request for construction of a village road bridge from one

side of his field and accordingly works was started 35 kms. upstream. On one side of the bridge under construction is Village Tarhethi in Distt. Jaunpur and on the other side there is Village Sultanpur Distt. Allahabad connecting through kachcha road, and that for the shifting both the tenure holders have given their written permission.

20. We have carefully examined the records and find that there was no proposal to revive of the old bridge, shown to be a Private Regulator. It was proposed to be dismantled as unauthorised bridge. The High Level Committee in its meeting dated 25.7.2007 considered the technical, administrative and financial appraisals, and proposed a (VRB) Village Road Bridge at km. 21.945 at Tarhethi Bazar. The respondent Nos.3, 4 and 5 made an individual request to change the site of the proposed VRB (Village Road Bridge), 1.5 km., upstream towards Mailhan lake at Tarhethi Village at 23.485 km. It is apparent that the site was changed for the benefit of respondent Nos.3 to 5, and some villagers, on the side of Allahabad without there being any connecting road. Further in order to save the passage, passing through the agricultural fields of respondent Nos.2, 3 and 4, a 900 diversion is proposed immediately after the bridge to connect kachcha road, to lead to the main road. The entire effort is totally unauthorised, to benefit some farmers. The diversion of the site did not have technical approval of the competent authority namely Principal Secretary, Irrigation, Government of U.P.; Rehabilitation Commissioner, Board of Revenue; Chief Engineer, Irrigation, Government of U.P.; Chief Engineer, Project and Planning; Chief Engineer Mechanical, who had participated in the meeting dated 25.7.2007, and the U.P. Pollution Control Board. The site and the approach roads were not provided and prepared. The larger public purpose was given up to suit the convenience of some of the villagers on either side of the relocated site at 1.54 kms. from the original proposed construction.

21. By an undated letter Shri Brij Lal Yadav and Shri Chhote Lal made a request to Executive Engineer, Drainage Division, Fatehpur, to relocate the bridge upstream for which they were ready to give their land for approach road, on the right side to connect the main road. It is apparent that Shri Brij Lal Yadav was aware that the old bridge, about 40 mtrs. upstream constructed from the funds of Gaon Sabha, was not planned to be renovated or reconstructed. Infact the proposals approved by the High Level Committee on 25.7.2007, provided for construction of bridge 1.54 kms. downstream at Tarhethi Bazar at 21.945 km. The misinformed and misconceived application of Shri Brij Lal Yadav was considered by the Executive Engineer, Drainage Division, Fatehpur. He changed the site of the bridge, 1.54 km. upstream on his own, without seeking any technical, financial or administrative approval of High Level Committee consisting of experts and the U.P. Pollution Control Board.

22. The documents brought on record and the facts stated in the affidavit discussed as above, clearly demonstrate that construction of bridge for the benefit of the residents of the entire area connecting the main roads, was

diverted and that the bridge was relocated 1.54 kms. upstream at Tarhethi Gaon, only on the request of Shri Brij Lal Yadav and for convenience of some farmers having their agricultural lands on both sides of relocated site. The Executive Engineer acted on his own without seeking any technical, administrative or financial approvals and the approval of the U.P. Pollution Control Board, in relocating the site, and started the constructions.

23. We have no hesitation in recording our opinion that the entire action was taken on the request of Shri Brij Lal Yadav on which the public funds for construction of bridge sanctioned by High Level Committee on 25.7.2007, were diverted to connect the agricultural fields of respondents. The respondent No.6 misused his authority on the behest of the private persons in directing the construction of bridge from public funds, in violation of Section 24 of the Water (Prevention and Control of Pollution) Act, 1974. The construction of the bridge at the disputed site has not been approved by the technical experts. Further he did not consider that the turn of the approach road at 90° angles on both sides to avoid agricultural fields of respondents, and some other villagers, will permanently obstruct the free flow of traffic upto the approach roads. Even as a layman, we can say that if approach roads to the bridge turns at 90° on the slopes on both sides, within a short distance, the design will not only obstruct the traffic but will also make the roads unsafe for use by the travellers.

24. This writ petition filed in public interest is thus found to be a bonafide litigation for the welfare of the residents of the region. The petitioner has successfully established that a Village Road Bridge proposed to be constructed after technical, administrative and financial approvals of the High Level Committee amongst the eleven bridges on the river, has been relocated without any authority and approval of U.P. Pollution Control Board for the benefit of certain individuals.

25. The writ petition is allowed. The respondents are directed to stop the constructions of the Village Road Bridge at Tarhethi Gaon at 23.485 km. on Varuna Nala, and to proceed to construct the Village Road Bridge, at the sanctioned and approved site at Tarhethi Bazar, at 21.945 km. It will be open to the State Government to realise the loss caused on the part constructions of the bridge at Tarhethi Gaon from the Executive Engineer, Drainage Division, Fatehpur. The petitioner will be entitled to costs of Rs.10,000/-, to pursue this bonafide litigation in public interest. The petitioner has not only served public interest in checking the misuse of the public funds, but has also saved the villagers, and the residents of the area, from the threat of possible flooding of the river and the consequent loss to the farmers on its banks. The Irrigation Department will ensure compliance of Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 in seeking necessary permission of the U.P. Pollution Control Board, before carrying on and continuing constructions of the bridge in question and on any of the bridges on Varuna Nala.