

(1995) 02 PAT CK 0047
In the Patna High Court
Case No : C.W.J.C. No. 1491 of 1986 (R)

Ram Kishore Prasad, Advocate

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 17-02-1995

Acts Referred:

Citation : (1995) 02 PAT CK 0047

Hon'ble Judges : K. Venkatswami, C.J;Nagendra Rai, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Heard.

2. The Petitioner, practising advocate of this Court, has filed the present application for the following reliefs:

(A) to remove the encroachment from the roads falling within the Ranchi Municipal Corporation area;

(B) to finalise the proposals for modernisation, beautification and overall development of the town and to direct Respondents to construct new/old drainage system in the Corporation area, tree plantation development of green patches, widening of roads and for providing other civic amenities;

(C) to take the service of National Transportation Planning and Research Centre and to entrust the work of construction and improvement of road to the said organisation.

3. This Court issued notices to the Respondents and in pursuance of which they appeared and thereafter this Court issued directions on different dates for removal of the encroachment, construction, and repairing of roads, for improvement in the drainage system, for controlling the traffic and for providing civic amenities from time to time and most of the directions were carried out by the authorities. It appears from the order dated 4.1.1990 that this Court found

that because of the absence of coordination among the different government departments, both of the State and Central Governments, the maintenance or repair of roads and drains are not being done properly and accordingly on 12.2.1990 for proper development of work in the Ranchi town, constituted a committee consisting of Deputy Commissioner, Ranchi, Senior Superintendent of Police, Ranchi, Deputy Superintendent of Police, Traffic, Vice-President, Ranchi Regional Development Authority, Chief Executive Officer, Ranchi Municipal Corporation, Executive Engineer, Road Construction Department, Executive Engineer, P.H.E.D., and the Divisional Engineer, Telephone. The Deputy Commissioner was made the convener of the committee and the said committee was also authorised to co-opt five members. This Court further ordered that the committee shall be responsible for coordinating the works of all the different departments in connection with drainage, roads, removal of encroachment, regulation of traffic, parking of vehicles and for providing of other civic amenities. The Deputy Commissioner, Ranchi, convener of the committee, was empowered to take appropriate action against the concerned officers on the basis of the report called for by him with regard to their functions regarding aforesaid works. On 13.3.1991 in order to ensure the quality of work which are being done by the different departments, one expert Prof A.K. Agrawal, Birla Institute of Technology, Mesra, was made a member of the said committee. It appears that the said committee started functioning and took several steps for providing civic amenities in the town and is also carrying out the different orders and directions passed by this Court for the betterment of the civic amenities.

4. On 3.5.1994 this High Court constituted a High Power Committee to monitor and effectively implement the orders passed by this Court. The relevant portion of the order runs as follows:

We, after giving our anxious consideration, have decided to constitute a High Power Committee to monitor and effectively implement the orders passed by this Court and to suggest further ways and means to implement the direction. The committee shall have power to issue further direction to the authority concerned if necessary on behalf of the Court. The Petitioners and any citizen genuinely interested in the development of Ranchi may approach the committee directly. The committee, may hold meetings according to its convenience at least once in two months. The quorum of the meeting is left to the decision of the committee. The committee shall have power to call for information and documents from any authority and hold local inspection. The Committee will be headed by Mr. Justice Satyeshwar Roy, a retired Judge of the Court.

The Committee shall be as follows:

1. Mr. Justice Satyeshwar Roy (Chairman),
2. The Judicial Commissioner, Ranchi,
3. Deputy Commissioner, Ranchi,

4. Shri R.K. Kataria, D.I.G., Railway Police,
5. Shri P. Mishra, retired Principal Chief Conservatory Forest and former Chairman of State Pollution Board,
6. Dr. B.P.N. Yadav, an eminent Physician of Ranchi,
7. The Asstt. Registrar, Ranchi Bench-Member-cum-Secretary.

By order dated 19.9.1994 in place of Assistant Registrar, Ranchi Bench, the Registrar, Civil Court, Ranchi was appointed as a Member-cum-Secretary and it appears that the aforesaid High Power Committee started functioning. The Chairman of the High Power Committee wrote a letter on 7th November, 1994 that direction issued by him for repairing of certain roads and drains were not complied with. After receipt of the said letter this Court directed the concerned authorities to be present in the Court and thereafter those directions were complied with.

5. It is well settled that the State should strive to promote the welfare of its people and in case of denial of basic civic amenities or non-observance of statutory duty affecting the people in general or denial of fundamental right this Court is empowered to issue necessary writs and directions, and, as stated above, since 1986 different directions have been issued and most of the them have been carried out and the committee constituted by this Court of officials and other by order dated 12.2.1990 is taking all the steps for providing better civic amenities in the town and is also carrying out the orders. As already committee of officials is functioning for providing the civic amenities in the town and the Deputy Commissioner has been made overall incharge of the same, in our view, there is no need to allow the Anr. committee i.e., High Power Committee to continue and function especially when it is clear from the letter of the Chairman of the said committee dated 7th November, 1994 that the authorities are not carrying out his order and he has to report the matter to this Court for compliance of the order. In such a situation, the continuance of the aforesaid committee will not serve any purpose. Accordingly, the committee constituted by order dated 3.5.1994 is dissolved and any paper submitted by any of the departments to the aforesaid committee should be returned by the Member-Secretary of the committee to the concerned department. The High Power Committee will cease to function from today.

6. The question is as to whether this writ application should be allowed to remain pending or not. The necessary order has already been passed, as stated above, and the committee of the officials constituted by order dated 12.2.1990 is already taking different steps. In such a situation there is no valid ground to allow this proceeding to remain pending. Accordingly, this writ application is being disposed of with the observation that in case of denial of civic amenities or non-observance of statutory duties resulting in denial or deprivation of the civic amenities and basic necessities to the people, it will be open for the public spirited person or body of persons to approach this Court for necessary direction

and this Court will pass appropriate order as the situation may warrant. However, it is clarified that the committee of the officials will see that the directions issued by this Court from time to time are being complied with and necessary steps and actions are taken to provide the civic amenities to the people.