

(2019) 05 MAN CK 0006

In the Manipur High Court

Case No : Public Interest Litigation No. 1 Of 2017

R.Saothe

APPELLANT

Vs

State Of Manipur

RESPONDENT

Date of Decision : 30-05-2019

Acts Referred:

Citation : (2019) 05 MAN CK 0006

Hon'ble Judges : Ramalingam Sudhakar, CJ;M.V. Muralidaran, J

Bench : Division Bench

Advocate : A. Jagjit, H.Lenin, S.Suresh, Juno Rahman

Final Decision : Disposed Off

Judgement

R.S., CJ

[1] Prayers in the PIL read as follows:-

"i) Admit this humble PIL and issue Rule Nisi the respondents.

ii) to quash and set aside the fictitious work orders dated 04-06-2015 & 18-06-2014 at Annexure/ 5 as null and void.

iii) to issue writ of mandamus/certiorari thereby directing the concern authority to recal the payment of works already made for the construction of fictitious workd orders;

iv) to call for a detail reports of the work

v) to direct the authority concern to start construction of the road connection Ngamju and Oinam Laila Village forthwith in the interest of Public and also for the ends of justice.

vi) to book the responsible persons for defrauding the welfare schemes taken up by the authority in public interest.

In the Interim:

vii) to stay or otherwise stop further construction of works now being taken up under the fictitious work orders dated 04-06-2015 & 18-06-2015 forthwith in the interest of public;

viii) to pass such other order or direction which the Hon'ble High Court may deem fit, and proper for the ends of justice and of equity."

[2] Notice was issued on 13.2.2017 and thereafter, the matter has been adjourned from time to time and interim orders were passed. On 07.6.2018, the following order which reads as follows:

"07.06.2018

The issue raised in this PIL is relating to laying of roads under the Manipur State Rural Roads Development Agency/Rural Engineering Department MSRRDA/RED), Govt. of Manipur. It is funded by the Central Government namely, Ministry of Rural Development Govt. of India.

The Chief Engineer, RED/MSRRDA has forwarded a proposal for PMGSY Ph-XI(Batch-III, 2017-18) by communication No.5/16/2017-MSRRDA/Ph-XI(B- III, 2017-18) 920 (dated 26.03.2018. This proposal is yet to be approved by the Ministry of Rural Development Govt. of India.

Before considering that we would like to hear the competent engineer who has submitted the proposal dated 26.03.2018 in relation to the percentage of roads and the number of bridges. The Chief Engineer's proposal dated 26.03 2018, is faulted by the petitioner stating that large numbers of rural roads have not been properly laid for numbers of years. Importance should be given to laying of more rural roads and thereafter bridges. It is stated by the petitioner that the bridges wherever is essential can be constructed and the rest can be created in the next phase.

In order to examine this proposal we are inclined to direct the competent officer as suggested by Mr. M. Hemchandra, learned senior counsel for the respondent No.3 to appear before this Court on 13.06.2018.

Mr. M. Hemchandra, however, states that the proposal dated 26.03.2018 is based on assessment by the officer concerned getting in puts from the rural areas.

This contention will be examined on the next date hearing.

In the meanwhile, in order to ensure that the funding in respect of rural roads are promptly released after approval by the Central Government, we are inclined to implead the Director (Technical) National Rural Roads Development Agency (Ministry of Rural Development, Govt. of India) 5th Floor, 15-NBCC Tower, Bhikaji Cama Place, New Delhi-110066 as respondent No.4

Notice is issued through Court to the newly impleaded respondent No.4. In the meanwhile, Mr. S. Suresh, learned ASG takes notice on behalf of the newly impleaded respondent No.4 as abundant caution.

In so far as road between Oinam Laila village to Ngamju Part-I and Oinam Laila village to Ngamju Part II road construction is concerned, Mr. Hemchandra, senior counsel states that the proposal has been placed before the newly added respondent and the orders are awaited.

List the matter on 13.07.2018.

Copy of this order be furnished to Mr. M. Hemchandra, learned senior counsel for respondent No .3 as well as Mr. S. Suresh, learned counsel for newly respondent No.4."

[3] Thereafter, a subsequent order was passed on 12.9.2018 and another order was passed on 23.01.2018 and the last order was passed on 7.3.2018.

[4] Today, when the matter is taken up, Mr. S. Suresh, learned CGC for the Central Government states that they have released all funds by proceeding dated 5.4.2019 which reads as follows:-

"National Rural Infrastructure Development Agency (Ministry of Rural Development, Govt of India), 5th Floor, 15-NBCC Tower, Bhikaji Cama Place, New Delhi-110066

B.C. Pradhan,

Director (Technical)

Tel No: 26179557

Fax No: 26179555

Email: pradhan.bharat@gmail.com

DO Lr. No. NRRDA-C013/1/2017-Tech(E354453)

Dated 05.04.2019

Dear Shri Singh,

Sub: Manipur State -Hon'ble High Court of Manipur -Public Interest Litigation (PIL) No. 1 of 2017- Requesting construction of Oinam Laila Village road of Purul T.D.Block of Senapati district.

This has reference to High Court, Manipur order dated 07.03.2019 and email dated 04.04.2019 received from Shri. Sarangthem Suresh Singh, Asst. SG of India, High Court of Manipur with Ref. No.: Asst.SG/HCM/PILNo.1/2017/PC regarding Public Interest Litigation no. 1 of 2017 filed by the villagers of Oinam Laila Village of Senapati district under Purul Block of Manipur praying to provide connectivity up to Oinam Laila village by the construction of a road.

In this regard, it is to inform that the said road was sanctioned by the Ministry vide their letter no. P-17024/16/2018-RC (362428) dated 04.09.2018 under Batch I of 2018-19 and the copy of sanction order is attached. The details of

sanction regarding the road under question are as under.

SI No

Name of work

Length in Km

Sanctioned cost Rs. in lakhs

1.

L024-Oinam Laila To Ngamju in Purul T.D.Block of Senapatti block (Package No.MN06138A)

5.60

330.79

2.

Construction of Bailey Bridge over Taore river on the road from L024 Ngamju to Oinam Laila (MNO6138B)

21.34 m

132.13

As per OMMAS, it is observed that the above said sanctioned works were not awarded by the State Government even after a lapse of about 7 months. Further, an amount of Rs. 115.21 crores are available with MSRRDA as on 04.04.2019 excluding contractor's deposit of Rs.60,79 Crores.

You are aware that the funds are released by the Ministry of Rural Development, Government of India based on the requirements placed by the Manipur State Rural Roads Development Agency, Government of Manipur. In this case, the MSRRDA has not yet awarded the sanctioned works i.e the road in question along with bridge since September 2018.

Further, it is to inform that Shri. L.Brajendra Singh, State Quality Coordinator (SQC), MSRRDA was nominated as a representative of Director (Technical), NRIDA and directed him to appear before the Hon'ble High Court and appraise the fact as and when required vide DO Lr. No. NRRDA-P009/1/2017-JD(Tech) dated 09.08.2018. This court order appears that the Chief Engineer, MSRRDA or Shri. L.Brajendra Singh, State Quality Coordinator (SQC), MSRRDA have not appraised the actual fact to the Hon'ble High Court and hiding the fact of un-award of works.

The MSRRDA has to implement the sanctioned works within the stipulated period and the issue of PIL stands resolved once the works are sanctioned by the Ministry of Rural Development, Gol. You are requested to direct the SQC to appear before the Hon'ble High Court on behalf of Director (Technical) and

appraise the above facts related to PIL No. 1 of 2017 instead of misleading the Hon'ble High Court regarding the release of funds and send the status note fortnightly to the undersigned.

With Regards,

Yours Sincerely

Sd/-

(B.C. Pradhan)

Shri. Toh. Nandakishore Singh

Chief Engineer Cum Empowered Officer, Manipur State Rural Road Development Agency Rural Engineer Department (RED),

4th Floor, Secured Office Complex, A.T. Line North AOC, Imphal -795001,

Government of Manipur."

[5] Mr. Juno Rehman, learned counsel appearing for the private respondent No. 3 states that notice inviting tender has been issued on 28.11.2018 for which amount has been released as indicated above. Therefore, the work in respect of which the present PIL has been filed will be taken in terms of NIT. It is further stated that by Mr. Juno Rehman, learned counsel appearing for private respondents No.3 that the NIT has been completed and the work order has not been issued because of the 17th Lok Sabha Election and now that the Code of Conduct has been removed, further action will be taken to complete the process.

[6] Accordingly, PIL stands disposed of.