
(2008) 07 PAT CK 0020
In the Patna High Court
Case No : CWJC No. 13316 of 2005

Santosh Kumar

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 21-07-2008

Acts Referred:

Citation : (2008) 4 PLJR 262

Hon'ble Judges : Ravi Ranjan, J; Chandramauli Kr. Pd., J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This writ application as public interest litigation has been filed for a direction to the respondents for construction of link road from Tatya Tola of Village Bhuswar to the main road. Mr. Pramod Singh, appearing on behalf of the petitioner, submits that the land has been acquired and as such, the respondents be directed to prepare a scheme for construction of the road.

2. In the third supplementary counter affidavit filed on behalf of the respondents, it has been stated that the land has been acquired but there is no scheme for construction of the road over the acquired land by the Government for the present.

3. We are of the opinion that construction of a road at a particular place or drawing of a scheme for construction of the road, is primarily for the State Government to decide.

4. We would not like to misadventure in that. Mr. Soli J. Sorabjee has observed and observation finds place in the preface of the eleventh edition of the Book Principle of Statutory Interpretation by Mr. G.P. Singh. It reads as follows:-

PIL is not a pill for every ill. Every matter of public interest cannot be the basis of a PIL e.g. increase in the price of onions or revision of air-fares or the dilapidated condition of railway stations" or the problem of trains running in time. Judicial

pendulum in PIL has swung erratically. Some orders and directions are beyond the judicial sphere and do more credit to the heart than to the head. It is doubtful whether the judiciary can direct the administration to construct roads and erect buildings, to secure lands in a particular locality for accommodating certain persons, to appoint managers at a remuneration fixed by the court or to give ad hoc directions for huge monetary payments. Such orders have serious fiscal and budgetary implications and are more in the realm of the legislature and the executive.

5. We are entirely in agreement with the observation quoted above. We do not find any merit in the application and it is dismissed accordingly.