
(2007) 08 PAT CK 0161
In the Patna High Court
Case No : CWJC No. 1359 of 2007

Suresh Kumar Kanth

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 02-08-2007

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2007) PLJR 372

Hon'ble Judges : J.N. Bhatt, C.J.; Mihir Kr. Jha, J

Bench : Division Bench

Advocate : M.P. Gupta, for the Appellant; Ravi Ranjan, for the Respondent

Judgement

1. By this petition under Article 226 of the Constitution of India, styled as "Public Interest Litigation" the main relief placed in focus is to seek direction against the respondents to complete the restoration of Eastern Gandak Canal System including Gandak Barrage and its appurtenant under Rashtriya Sam Vikash Yojna within the stipulated time. On behalf of the State a counter affidavit has been filed by the Executive Engineer concerned, which we have considered. We have, also, examined the supplementary counter affidavit filed by respondents 3 and 4.

2. It becomes evident from the sworn counter affidavit and supplementary counter affidavit that the Water Resources Department of the State Government has already issued a tender for the work of execution of restoration of Eastern Gandak Canal System including Gandak Barrage and its appurtenants to be implemented under Rashtriya Sam Vikash Yojna.

3. It is, also, found that two tenderers have submitted their proposals and the process is going on for finalisation of tender agreement. It has been further submitted in the affidavits that the same will be executed with successful tenderer and the plan for starting the work has also been highlighted. It is also found from the affidavit that a sum of Rs. 100 crores has been provided in the budget of 2007-08 for this restoration work. It is further stated in the said

affidavit that after completion of the restoration work irrigation potential of the Eastern Gandak Canal System will be restored as, also, the allied problem will be solved to a larger extent.

4. In view of the response filed on behalf of the respondent State, we find that the actions have been accelerated after the filing of this petition including the allocation of budgetary provision and prescribing of a fixed time schedule, as has been explained in the supplementary counter affidavit. We only hope and trust, that the time schedule prescribed given therein will also be adhered to.

5. Thus, we find that no further relief can be granted in this "Public Interest Litigation". Therefore, it shall stand disposed of in terms of aforesaid observations. Let a copy of this order be given to learned counsels for the parties.