

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.16386 of 2014**

- =====
1. Ranjeet Kumar, Son of Sri Bhagirath Prasad resident of R.C.D. - 137, Bahadurpur Housing Colony, Kankarbagh, Police Station - Agam Kuan in the district of Patna.
  2. Gyanendra Shekhar, Son of Sri Dinesh Sharma resident of R.C.E. - 109, Bahadurpur Housing Colony, Kankarbagh, Police Station - Agam Kuan in the district of Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. The Patna Municipal Corporation through its Municipal Commissioner.
4. The Municipal Commissioner, Patna Municipal Corporation, Patna.
5. The District Magistrate-cum-Collector, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Inspector of Police-cum-Officer In-Charge, Agam Kuan Police Station, Patna in the district of Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar  
For Respondents 1, 2, 3, 5,6 &7 : Mr.Pratik Sinha, AC to GA 12  
For Patna Municipal Corporation: Mr. Sanjay Prakash Verma

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE JUSTICE SMT. ANJANA MISHRA**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      13-07-2015

The complaint of the petitioners is about the indiscriminate establishment of cattle sheds in the open places belonging to the Government, including footpaths in the residential locality, resulting in inconvenience and unhygienic condition.

The respondents have filed counter affidavit stating that the encroachments have been since removed.

Be that as it may, the subject matter of the writ

petition is covered by a common order passed by a Division Bench of this Court on 15.1.2015 in CWJC No. 11803 of 2013 and batch.

Following the same, we dispose of this writ petition directing that –

- (a) The cattle sheds that are now existing on the public lands, be it on the roads, or other places, shall be removed within six weeks from today. It shall be ensured that the cleared places are not encroached once again and the officials of the Patna Municipal Corporation, Revenue Department and the Police Department shall be held responsible in this behalf.
- (b) Whenever the owners of the cattle sheds intend to shift them to private places, the Municipal Corporation shall not raise any objection for the present. However, they shall be entitled to inspect them in due course and indicate the measures, if any, to be taken for the maintenance of cleanliness and hygiene, but not into the title or other related aspects.
- (c) It shall be the duty of the owners of the cattle sheds, established on their private land, to remove the cow dung and other wastes generated from the cattle sheds, at least once in three days, to be dumped in the outside of the limits of Municipal Corporation. Failure in this behalf shall invite penalty of Rs.500/- on each occasion. The Municipal Corporation shall keep a separate fund of that amount for steps to enforce hygiene of cattle sheds.
- (d) The owners of private cattle sheds shall also

not cause any nuisance or inconvenience to the neighbours and other persons in the locality, nor shall they cause any hindrance to the free flow of traffic in the place.

Deviation by anyone, in this behalf shall be treated as contempt of Court, per se.

**(L. Narasimha Reddy,CJ)**

**(Anjana Mishra, J)**

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