

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10684 of 2015

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Pankaj Singh, son of Late Santosh Singh, resident of Mohalla- Lodipur,
Belwar Gali(Street), P.S. -Gandhi Maidan , District Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Disaster Management Department, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Municipal Commissioner, Patna Municipal Corporation, Patna.
5. The Executive Officer, New Capital Circle, Patna Municipal Corporation, Patna.
6. The Sub-divisional Officer, Patna Sadar, Patna.
7. The Station House Officer, Gandhi Maidan Police Station, Patna.

.... Respondents

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Appearance :

For the Petitioner	:	M/s. Manish Kumar No 13 and Rohit Kumar No.5, Advocates
For the State	:	Mr. Neeraj Raj, A.C. to S.C.19
For the P.M.C.	:	Mr. Sanjay Prakash Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 08-12-2015 Mr. Sanjay Prakash Verma, learned counsel for the

Patna Municipal Corporation submits that since the Advocate Welfare Stamp is not available, hence the affidavits are being filed without affixing the stamp and no sooner the stamp is available, the same would be filed. Let the affidavits be taken on record.

Heard the parties.

The writ petitioner complained against the existence of a Mobile Tower located at Sri Ram Bhawan on the roof of the house of one Krishna Kumar @ Chunnu, son of Late Shiv Prasad,

Lodipur, Belwar Gali in the town and District of Patna which according to the petitioner had become dangerous and capable of causing damage to the surrounding houses.

It was in consideration of the nature of the grievance raised that the Patna Municipal Corporation and its authority, who are represented by Mr. Sanjay Prakash Verma, were directed to inform this Court as to the steps taken by them in this regard. Initially Mr. Verma informed the Court that necessary orders were issued to the Landlord in whose house the tower was installed.

A counter affidavit was filed on behalf of the Corporation enclosing a letter of the Landlord addressed to the Commissioner in which it was stated by the Landlord that although information had been given to the owners of the Mobile Tower and though some have disconnected their lines but some other have not taken steps for removal. It was considering the predicament of the Landlord that the Corporation was directed to take necessary steps against the owner of the Mobile Tower for it was on their account that the residence of the area were in peril.

It is in the light of the direction of this Court that a supplementary counter affidavit has been filed today enclosing a letter of the Municipal Commissioner addressed to the Manager of the owner of the Mobile Tower directing him to remove the same.

The letter is dated 25.11.2015 and although is being filed today i.e. 8.12.2015 but Mr. Verma is not in a position to inform as to the follow up action taken.

Having heard learned counsel for the parties and considering the fact that the grievance of the petitioner has been taken note by the Town Commissioner who has also taken steps for removal of the tower for which the writ petition was filed, this Court instead of keeping the writ petition pending would dispose of the same with a direction to the Town Commissioner, Patna Municipal Corporation to take all possible steps for ensuring the removal of the Mobile Tower in question and considering the urgency of the matter an expeditious disposal of the issue preferably within six weeks from today by the Town Commissioner, would appreciated.

(Jyoti Saran, J)

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