

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20167 of 2012

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1. Umesh Kumar Verma, son of Late Raghubir Prasad
 2. Sanjay Kumar, son of Late Rajmani Sinha,
 3. Pankaj Kumar, son of Late Ram Nandan Singh
 4. Sanjay Kumar, son of Late Shatrughan Pd. Singh
 5. Ram Lala Pd. Singh, son of Late Ramnandan Pd. Singh
 6. Pranay, son of Late Ram Nandan Pd. Singh
 7. Navin Kumar, son of Late Gangadhar Prasad Jetharia
 8. Vijay Kumar Verma, son of Late Raghubir Prasad
- All residents of Road No. 2, Rajendra Nagar, Patna-800016

.... Petitioners

Versus

1. The State of Bihar through the Secretary, Urban Development Department, Govt. of Bihar, New Secretariat, Bailey Road, Patna
2. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Buddha Marg, Patna
3. The District Magistrate, Patna
4. Executive Officer, Patna Municipal Corporation, Bankipore Circle, Rajendra Nagar
5. Ward Councilor, Ward No. 43, Patna Municipal Corporation, Rajendra Nagar, Patna
6. Bihar State Electricity Board, through its Chairman, Vidyut Bhawan, Bailey Road, Patna
7. Patna Water Board, through its Executive Officer, Millar School, Patna
8. Gammon India Ltd., through its Project Manager, 243, Nehru Nagar, Patna

.... Respondents

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Appearance :

- For the Petitioners : Mr. Ajit Kumar, Advocate
For the Respondents : Mr. Jawahar Pd. Karn, AAG4
For Respondent No.8 : Mr. Shyam Kishore Sharma, Sr. Advocate
Mr. Nilesh Kumar Nirala, Advocate
For the P.M.C. : Mr. Sanjay Kumar Verma, Advocate
For S.B.P.D.C. Ltd. : Mr. Vijay Kumar Verma, Advocate
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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-02-2015

Petitioners are residents of Road No.2 Rajendra Nagar area of Patna. There exists a park within the locality. This writ petition is filed by way of public interest litigation complaining that

the respondents have handed over a substantial part of the park area for construction of Water Purifier Plant by Gammon India Limited. The writ petition was entertained and the interim order was passed. The result is that an attempt to construct a Water Purifier Plant in the park area is given up.

2. Today the learned counsel for the petitioners has placed before us, a photograph depicting the present state of affairs of the park. He seeks appropriate directions, in this behalf.

3. Heard the learned counsel for the respective parties.

4. With timely intervention of the petitioners and this Court, construction of the Water Purifier Plant for commercial purpose within the park area is stopped. It is brought to our notice that executor of the project, 8th respondent did not level the dug up portions of the park so far. The present status of the park is also in pathetic condition, as is the case with many other parks.

5. Learned counsel for the petitioners submits that if the petitioners are permitted, they are prepared to maintain the park with their own efforts by availing the help from the Patna Municipal Corporation as well as the district administration.

6. We, therefore, dispose of the writ petition directing that the Association of the residents of Rajendra Nagar shall be entitled to maintain the park with the aid of the Patna Municipal

Corporation which shall extend the help to such Association by supplying the plants or other needful materials for making necessary amenities to the park. We direct that no part of the park shall be put to any other use either by the Patna Municipal Corporation or the Association of the residents. There shall be no order as to costs.

7. The interlocutory application, if any, shall stand disposed of.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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