

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11525 of 2014

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Ranjeet Kumar Singh S/o Late Ram Kishore Singh Secretary/General
Secretary, District Bar Association's, Vaishali at Hajipur.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Vaishali at Hajipur.
3. The Sub Divisional Officer, Hajipur, District Vaishali.
4. The Executive Officer, Nagar Parisad, Hajipur, District Vaishali.
5. The Executive Engineer, Public Works Division, Hajipur, District Vaishali.

.... Respondents

Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Adv.

For the Respondents : Mr. S.K. Sharma, G.A.1

Mr. Shalini Raut, Adv.

Mr. Aditya Nr. Singh-1,

Mr. Birnendra Kr. Ray,

Mr. Vasant Vikas,

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 08-01-2015

The petitioner is an advocate and General Secretary of the District Bar, Vaishali at Hajipur. He filed this writ petition in public interest raising an objection to the construction of an improved public toilet facility near the entrance of the Court.

The petitioner submits that the proposed construction would result in serious inconvenience to the functioning of the Court, apart from bringing about unhygienic conditions. It is stated that though adequate place is available at other locations, the Municipality has chosen the place in question without proper application of

mind.

On behalf of the respondents counter affidavit is filed. It is stated that the facility is being created for the benefit of general public and it is clearly outside the court premises. It is also stated that every step would be taken to ensure that hygiene is maintained at the place.

Heard learned counsel for the petitioner Shri Yogesh Chandra Verma and learned counsel for the respondents Shri S.K. Sharma.

The objection raised by the petitioner is mostly about the location, than the facility as such. It hardly needs any mention that the provision of public toilets is far less than what is needed and on account of the same unhygienic circumstances are prevailing, particularly in cities and towns. It is, no doubt, true that existence of facility of that nature would cause some inconvenience to neighbours. In the instant case, the complaint is from the Bar Association. It is not in dispute that the proposed facility is not touching any structure of the court premises. It is clearly outside the premises. However, the petitioner has a genuine grievance since the facility is opening towards the 2nd gate of the Court instead into the road itself.

We have perused the plans as well as the photographs in relation to the matter. The structure has already come up and the final touches are to be given. In the proposed structure, facility opens towards the North though it faces the road on the West.

We are of the view that the opening for the facility can be kept from the Western side facing the road instead of making it open on the Northern side.

We, therefore, dispose of the writ petition directing that the opening of the proposed facility shall be made towards the road which is on the Western side and not towards the Northern side.

The respondents shall also ensure that the facility is maintained properly and no foul smell emanates out of it.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Rajendra Kumar Mishra, J)

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