

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10603 of 2011

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1. Krishna Nand Bharti S/O Ramdev Das R/O Mohalla- Topkhana Bazar,
Katgarh, P.S. Kotwali (Munger), Distt. Munger.

.... Petitioner

Versus

1. The State Of Bihar.
2. The Chief Secretary, Govt. Of Bihar, Patna.
3. The Principal Secretary, Urban Development Department, Govt. Of Bihar, Patna.
4. The Secretary, Road Construction Department, Govt. Of Bihar, Patna.
5. The District Magistrate-Cum-Collector, Munger.
6. The Special Officer-Cum-Executive Officer, Nagar Parishad, Munger.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate.

For the Respondent

Municipal Corporation, Munger : Ambika Bhagat, Advocate.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

3 23-09-2015 Heard Mr. Ajit Kumar Singh for the petitioner, Mr.

Ambika Bhagat for the respondent –Munger Municipal

Corporation (previously Nagar Parishad).

Para 1 of the writ petition reads as under:-

“1. That, this is an application for issuance of writ in the nature of mandamus directing the respondents to construct the P.C.C. Road through its agency as per the works order as well as directives given in the agreement in Mohalla Katgarh, Ward No.11 of Nagar Parishad after being constructed drainage to exit water smoothly and also for direction to the respondents to construct the road in question after digging the earth/depth of the P.C.C. Road so that the water logging as well as the nuisance could not be occurred and for any other relief or

reliefs to which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

A counter affidavit has been filed on behalf of the respondent no.6.

In course of submission Mr. Singh has submitted that the drainage in front of the house of the petitioner required to be deepen in order to maintain smooth flow of the water in the drain. In para 5 of the counter affidavit the respondent- Municipal Corporation has stated as under:-

“5. That the statement made in para-3 of the writ petition is under reply that a petition by the petitioner was given when road construction was started. The grievance of petitioner were considered and the construction was rectified so that there should not be water logging there. It is true that petitioner's house was somewhat down, hence during construction of the road and drainage levelling were rectified so that there should not be water logging. Further on spot verification, it was found that there is uniform flow of water and road is constructed but about six feet length of drainage is required to deepen to six inches so that water flow may not be hindered. Secondly, two houses are directed to give slab at higher level so that the water flow may not be choked even in heavy rain. Due to model code of conduct, the above rectification will be done after election is over.”

Seen thus, it appears the respondents have agreed to

realign the drainage in front of the house of the petitioner by further deepening it to 6 inches. This, in my view, will mitigate the difficulties the petitioner is facing owing to construction of the PCC road. The writ petition does not call for further order. It is, accordingly, disposed of.

(Kishore Kumar Mandal, J)

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