

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11803 of 2013

Dr. Ashok Kumar Sinha, Son Of Late Prabhu Dayal Sinha, Resident Of B/138, Buddha Colony, Police Station- Buddha Colony, District- Patna.

.... .... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. The Secretary, Urban Development Department, Government of Bihar, Patna.
- 3. The District Magistrate, Patna.
- 4. The Commissioner, Patna Municipal Corporation, Maurya Lok, Patna.
- 5. The Executive Officer, New Capital Circle, Patna Municipal Corporation, Maurya Lok, Patna.
- 6. The Station House Officer, Shastri Nagar Police Station, Patna

.... .... Respondent/s

With

Civil Writ Jurisdiction Case No. 16671 of 2013

- 1. Ram Janam Mahto, son of Bhagiran Mahto, resident of Moh.- Bhiko Chak, P.S.- Gardanibagh District- Patna.
- 2. Anil Kumar Singh, son of Birendra Pd. Singh, R/O Of Moh.- Bhika Chak, P.S.- Gardanibagh District- Patna.

.... .... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. The Commissioner, Patna Division, Patna.
- 3. The Commissioner, Patna Municipal Corporation, Patna.
- 4. The District Magistrate, Patna.
- 5. The Sub-Divisional Officer, Patna Sadar, Patna (West).
- 6. The Deputy Collector, Land Reforms, Patna.
- 7. The Senior Superintendent of Police, Patna.
- 8. The Circle Officer, Patna Sadar, Patna.
- 9. The Officer-In-Charge Gardanibagh Police Station, Patna.
- 10. Ranjit Roy, son of Late Janki Roy.
- 11. Gopal Roy, son of Ranjit Roy, resident of Mohalla- Bhikha Chak, P.S.- Gardanibagh, P.O.- Phulwarisharif, Distt.- Patna.

.... .... Respondent/s

With

Civil Writ Jurisdiction Case No. 3324 of 2014

Smt. Kamla Devi, wife of Late Radha Mohan Singh, Resident of Mohalla- Nalband Toli, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna.

.... .... Petitioner/s

Versus

- 1. The State of Bihar through Commissioner, Patna.
- 2. The District Magistrate, Patna.
- 3. The Senior Superintendent of Police, Patna.
- 4. The City Superintendent of Police, Patna.

5. The Commissioner, Patna Municipal Corporation.  
6. The Executive Officer, Patna Municipal Corporation, Patna City Circle, Patna.  
7. The Sub Divisional Officer, Patna City, Patna.  
8. The Officer-In-Charge, Alamganj Police Station, Patna.

.... .... Respondent/s

**Appearance :**

**(In CWJC No. 11803 of 2013)**

For the Petitioner/s : Mr. Sanotsh Chandra Bhaskar, Advocate  
For the Respondent-State : Mr. Shyam Kishore Sharma, Senior Advocate

Mr. Myank Rukhaiyar, Advocate

For the respondent-Corporation : Mr. Prasoon Sinha, Advocate

For the intervenor applicant : Mr. Arun Kumar, Advocate

**(In CWJC No. 16671 of 2013)**

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Respondent-State : Mr. Pratik Kumar Sinha, A.C. to G.A. XII

For the respondent-Corporation : Mr. Prasoon Sinha, Advocate

For the intervenor : Mr. Rajeev Ranjan, Advocate

Mrs. Bela Singh, Advocate

**(In CWJC No. 3324 of 2014)**

For the Petitioner/s : Mr. Apurva Kumar, Advocate

For the Respondent/s : Mr. Devendra Kr Sinha, A.A.G.-2

Mr. Alok Kumar Rahi, A.C. to A.A.G.-2

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE GOPAL PRASAD**

**ORAL JUDGMENT**

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

**Date: 15-01-2015**

This batch of writ petitions, is filed as public interest litigations complaining that there is indiscriminate encroachment for establishment of cattle sheds on public land and road, in Patna and on account of the same, there is serious threat to the hygiene and cleanliness, free flow of traffic, in certain areas of Patna Municipal Corporation. Certain supporting material is also enclosed.

This Court issued notice to the Patna Municipal

Corporation and other respondents. Ever since 04.07.2013, orders have been passed from time to time till recently indicating various measures. It is stated that substantial number of cattle sheds has been removed from the public places and some are still existing.

The grievance of the owners of the cattle sheds is that though they are willing to maintain cattle sheds on their private land, the authorities of the Municipal Corporation did not permit the same and they are left with no alternative than to undertake the activity in the public places.

Heard Sri Santosh Chandra Bhaskar, learned counsel for the petitioner, and Sri Parsoon Sinha, learned counsel for the Patna Municipal Corporation.

The problem is one of the hygiene and cleanliness coupled with encroachment. Whatever be the justification pleaded by the contesting respondents, no person can be permitted to establish cattle sheds on public land. We have also come across such cattle sheds being established in the precincts of Universities, Colleges, Government Hospitals, parks, road margins etc.

On behalf of the owners of the cattle sheds it is pleaded that necessity for them to switch over to public

places arose on account of highhandedness of the Municipal Corporation in removing the cattle sheds when they are established on private places.

We do not intend to record any finding in that behalf. However, if the owners of the cattle sheds are willing to shift the sheds on their own lands, there cannot be any plausible explanation, at least for the present. We are also aware of the fact that the Municipal Corporation Act contains provision for grant of permission for establishment of cattle sheds and the like, subject to certain conditions.

Having regard to the entire gamut of facts, we dispose of the writ petition with the following directions:

- (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.

Interlocutory applications, if any, shall stand

disposed of. There shall be no order as to costs.

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

**(Gopal Prasad, J)**

Sunil/-

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