

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 18064 of 2015

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Shyam Babu Yadav S/o Mittal Yadav resident of Mohalla- South Mandiri,P.S
Budha Colony, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of Urban Development Department, Bihar State Govt. New Secretariat, Patna.
2. The Municipal Commissioner, Patna Nagar Nigam Patna.
3. The Managing Director, Bihar Urban Basic Infrastructure Development Nigam Limited, 3rd Floor, Maurya Complex Patna.
4. The Project Director, Bihar Urban Infrastructure Development Nigam Limited, 3rd floor Maurya Complex Patna.

.... Respondent/s

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For the Petitioner/s	:	Mr Ram Sandesh Roy, Advocate
For the S t a t e	:	Mr Prashant Kumar, AC to AAG 9
For the PMC	:	Mr Prasoon Sinha, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SM. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 25-07-2016

The two grievances of the writ petitioner in this Public Interest Litigation has been noted in order dated 19.05.2016 with regard to one, this Court did not interfere. This was in relation to a drain being constructed connecting S P Verma Road to the main drain near the Income Tax Crossing. The other was with regard to this main open drain which is a health hazard to people. It required de-silting.

2 We have a counter affidavit filed on behalf of the Patna Municipal Corporation (for brevity, *the Corporation*) showing the steps taken for de-silting the drain. We have no reason to

disbelieve.

3 However, learned counsel for the petitioner submits that efforts must be made by the Corporation to cover the drain.

4 In this connection, learned counsel for the Corporation points out that the writ petitioner himself is a Councillor of the Ward. It would be appropriate for him first to pursue the matter with the Corporation so that the Corporation would take appropriate action in this regard but without moving the Corporation, in spite of being a Councillor, he should not be allowed to raise this issue before this Court at the first instance. We find some substance in the submission.

5 Being a Councillor, we hope that he would raise this issue in the Corporation and pursue its other Members to consider it seriously. The Corporation would also look into this matter.

6 We would, accordingly, request the State Government in the Department of Urban Development to consider this matter in a larger perspective and take appropriate decision.

7 In view of the aforesaid, we are not inclined to proceed any further in this matter. This writ petition is, accordingly, disposed of.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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