

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6940 of 2016

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1. Jan Sampark Samiti, registered Scoiety having its registered office at Dwarika Nath Lane, Gali No 3, Salimpur Ahrah, Patna through its Secretary Sanjeev Kumar @ (Rahul) son of Sri Mohan Lal resident of Village- Gali No.3, behind I.M.A Hall, P.O. Kadam Kuan, P.S. Gandhi Maidan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development Department, Govt. of Bihar.
3. The District Magistrate, Patna.
4. Patna Municipal Corporation, through its Executive Officer.
5. The Executive Officer, Patna Municipal Corporation.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Shilpi Keshri, Advocate

For the Respondent State: Mr. Ajay- GA- 12

For the Respondent PMC: Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

9 28-09-2016 Heard Ms. Shilpi Keshri, learned Counsel for the petitioner, and Mr. Ajay, learned G A-12, appearing for the State respondents. Heard also Mr. Prasoon Sinha, learned Counsel for the respondent Patna Municipal Corporation.

With the help of this writ petition, made under Article 226 of the Constitution of India, in the form of Public Interest Litigation, the petitioner has sought for a direction to the State respondents to issue notification prohibiting the use of polythene bags, less than 40 microns in thickness, which is the root cause of

water logging in different localities of Patna, leading to various diseases, inconvenience to the movement of traffic and causing hazard to the health of the members of the Society.

Learned Counsel for the Patna Municipal Corporation submits that to conduct raids in order to seize the polythene bags, which are less than 40 microns in thickness, the Corporation needs support of the Police Force to be provided by the District Administration, Patna.

Responding to the requirement of the Corporation, a supplementary counter affidavit has been filed by the District Administration, Patna, contending that as and when requisition is sent to the District Administration, Patna, by the said Municipal Corporation, necessary Police Force shall be made available to them within 48 hours of the requisition made by them. On pointing out that Patna Municipal Corporation needs necessary Police Force to conduct search and seizure at least for a month, as has been submitted on behalf of the respondent Corporation, it is submitted by Mr. Ajay, learned G.A., that necessary requisite Police Force would be made available to Patna Municipal Corporation within twenty four hours of placing of such requisition with the District Administration.

In view of the assurance, which has been given by the

respondent District Administration, we close this writ petition with a direction to the respondents to ensure that the polythene bags not meant for sale, are not allowed to be sold in any manner.

The petitioner is granted liberty to approach this Court with an appropriate application, in future, if the situation so warrants.

Let a copy of this order be handed over to the respondent District Administration and the learned Counsel for the respondent Patna Municipal Corporation for needful.

(I.A. Ansari,CJ)

(Dr. Ravi Ranjan, J)

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