

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11290 of 2015

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1. Chameli Devi, W/o Shivnandan Prasad Singh, resident of Raijaikishan Road, Gurhatta, PS- Khanjkala, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Through Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
3. Collector, Patna.
4. Town Municipal Commissioner, Patna.
5. Sub Divisional Officer, Patna City.
6. Mayor, Patna Municipal Corporation, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
and
Mr. Anuj Kumar

For the Respondent - P.M.C.: Mr. Sanjay Prakash Verma

For the Respondent-State : Mr. J.S. Barnwal, GA-5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 03-03-2016 Heard Mr. Yogesh Chandra Verma, learned Senior Counsel for the petitioner, and Mr. Sanjay Prakash Verma, learned Counsel for the respondent P.M.C. Heard also Mr. J.S. Barnwal, learned G.A.5, appearing for the State respondents.

This writ application made under Article 226 of the Constitution of India, in the form of Public Interest Litigation, relates to grievances of the petitioner with regard to construction of by-lane of Gurhatta Devi Asthan Road on the ground that height of the road, sought to be constructed, would result in



making the houses, located on both sides of the lane, come far below the road and would, therefore, create numerous difficulties for the residents of the area concerned.

Learned Counsel, for the petitioner, submits that the road would be constructed not by the Corporation, but by the State Government.

As the construction of the road is already complete, the remedy, if any, of the petitioner lies in making appropriate application for such a grievance, which the members of the locality may have, by taking recourse to appropriate provisions of law.

What is, however, extremely important to note is that there is, admittedly, septic tank on the said road and this septic tank, according to the petitioner, is causing hazard to the people's lives in the area. On this aspect, Mr. Sanjay Prakash Verma, learned Counsel, for the respondent Corporation, submits that the respondent Corporation shall take all necessary steps to do the needful in the matter so that the complain of the people living in the area concerned would effectively be redressed within two months from today.

In view of the above and in the interest of justice, we direct that the respondent Corporation shall take all such measures

as may be necessary to ensure that the grievances of the people of the locality with regard to existence of the said septic tank are effectively dealt with, in accordance with law, within a period of two months from today. We leave the petitioner at liberty to approach this Court with appropriate application, in future, if the situation so warrants.

With the above observations and directions, this writ petition shall stand disposed of.

(I.A. Ansari, ACJ)

(Anjana Mishra, J)

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