

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20629 of 2014

Binay Kumar, S/o Late Bihari Lal, Secretary, Kumhar Toli Vikash Samiti, resident of Kumhar Toli, Post Lohia Nagar, P.S. Kankarbagh, District - Patna

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Patna
2. The C.B.I., Through S.P., Special Crime Branch, Srikrishna Path, Patna
3. The General Manager, East Central Railway, Hajipur, Bihar
4. The Divisional Rail Manager, East Central Railway Danapur, Patna
5. The Divisional Chief Engineer, East Central Railway Danapur, Patna
6. The Divisional Senior Commercial Manager, East Central Railway, Danapur, Patna
7. The Chief Medical Officer, East Central Railway, Danapur, Patna
8. The Station Superintendent, Patna Junction, Patna
9. The Commissioner, Patna Municipal Corporation, Patna
10. The Additional Commissioner, Patna Municipal Corporation, Patna

.... Respondents

Appearance :

For the Petitioner/s	:	Mr. Chakrapani, Advocate Mr. Ambuj Nayan Choubey, Advocate Mr. Uday Shankar Choudhary, Advocate
For the Advocate Commissioner	:	Mr. Ajay Mishra, Advocate
For the Respondents No. 3 to 7 (Railways)	:	Mr. D.K.Sinha, Sr. Advocate With Mr. Anil Kumar Sinha, Advocate
For the Respondents No. 9 & 10 (PMC)	:	Mr. Sanjay Prakash Verma, Advocate
For the State	:	Mr. Sunil Kumar, A.C. to G.A.-12

CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

Date: 07-09-2016

This application, in the shape of Public Interest
Litigation, has been filed, seeking a direction to the respondents,
mainly respondents No. 3 to 7 to maintain proper flow and

management of waste water spilling out of Railway Track at Patna Junction to the pond made by the Railways, and which in turn overflows the pond to a drainage, which has got no proper arrangement for disposal of the water. This has the consequence of overflowing of waste water over the said drainage of the Railways, and collection of stagnant water at nearby places throughout the year.

2. Affidavits have been filed on behalf of the Railways disclosing their stand as regards the actual status of flow of waste water from Patna Railway Station to the said Pond.

3. By an order dated 04.07.2016, we had appointed Mr. Ajay Mishra, learned Advocate of this Court as Advocate Commissioner to visit the site and submit his report. He has, accordingly, submitted his report, relevant portion of which reads thus:

“In compliance of order dated 04.07.2016 passed by the Hon’ble Court in the above mentioned matter I visited the concerned site on 09.07.2016 at 11:00 A.M. as an Advocate Commissioner. The site was inspected in presence of Divisional Engineer Danapur, namely Ramdhan Mina, alongwith Assistant Engineer of Works Patna, namely Mr. Devendra Kumar Singh, Law Officer namely Mr. Ranjan Kumar Srivastava and other officials of the railway.

In course of Inspection I was shown the water discharge system situated near the Platform No. 10 of



the Patna Junction near Karbigahia side and I found that the Railway has constructed a Sump and Well for storage and disposal of waste water. I have noticed a Sump near the yard in which the water stored was coming from Platform Nos. 1 to 10 through Pipe line and from there water diverted for old Sump and to the well constructed in the year 2006. I found that the old Sump and Well was in a working condition and the waste water had been stored over there with excess water being sent through the Pump House constructed near the Well towards Harding Park's drain. I was also showed a Pump House near the railway track in between the well area and the second Pond and all the waste water coming from Platform Nos. 1 to 10 and other source was being diverted through Pump towards well area and no amount of water was being discharged in the second Pond near the Kumhar Toli. I also visited the second Pond and did not see the water being discharged in the second Pond by the railway. However the second Pond was covered with grasses and weeds. Around the Pond area I found certain houses of residence constructed on the eastern side of the second Pond with a boundary wall constructed over there. I have also seen that a new Well has been constructed near the old Well of 2006 alongwith Pump House by the railway in 2016. The Pump House was not completed and certain amount of work was still required to be done. The Railway Officer present over there informed me that the new



well constructed in 2016 is having a storage capacity of about 5 lacs litres and extra waste water, if any coming from the Yard area shall be stored in the new well and from there it will be pumped out towards the agricultural land Mithapur, Gaya Line. I noticed that a Sump near the new well was being constructed with work going on and upon enquiry the Officers informed me that the new Sump will be completed within a month and the extra waste water in the Sump after filtration will go to the well by Pumping out. I found certain amount of water stored in the new well also. I also found the waste water being discharged through the Pipe line into the old well from the Central Hospital constructed over the first Pond. I also inspected the inlet and outlet Pipe line and also visited the Agricultural Land Mithapur, Gaya Line and saw that the Pipe line has been laid for the disposal of waste water in the Agriculture Land of Mithapur, Gaya Line.

I have also taken the photographs of the site which have been attached for ready reference alongwith sketch map prepared by me for the purpose of the Hon'ble Court.

Accordingly, this report is being submitted by me as per the direction of the Hon'ble Court."

4. A counter affidavit and supplementary counter affidavit have also been filed on behalf of the Railway.

5. Learned counsel appearing on behalf of the petitioner does not dispute the facts recorded by learned Advocate Commissioner in his report.

6. Today a supplementary counter affidavit has been filed on behalf of the Railways, stating therein that Sump and Pump Houses have also been constructed and made operational. Further, the grass and weeds from the second Pond have also been removed.

7. Considering the materials on record and report submitted by the Advocate Commissioner, learned counsel appearing on behalf of the petitioner has submitted that the proceedings of this case may be closed with liberty to him to approach this Court again, in future, if such situation arises.

8. This proceeding stands closed with the liberty, sought for as noted above.

9. This application is, accordingly, disposed of.

(I. A. Ansari, CJ)

(Chakradhari Sharan Singh, J)

Vats/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	29.09.2016
Transmission Date	