

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11707 of 2015

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1. Pratijnya, a non-governmental organisation registered under Indian Trust Act, 1882 through its President namely Brij Nandan Pathak, S/o Vidya Nandan Pathak, having its Office at 93, Laxman Sahaya Lane, Gurdwara Road, Gaya, Bihar
 2. Brij Nandan Pathak, S/o Vidya Nandan Pathak, Resident of- 93, Laxman Sahaya Lane, Gurdwara Road, Gaya, Bihar

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Housing and Urban Development, Government of Bihar, Patna
3. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna
4. The Joint Secretary-cum-Director, Department of Housing and Urban Development, Government of Bihar, Patna
5. The District Magistrate, Gaya
6. The Executive Engineer, Public Health Engineering Department, Gaya
7. The Gaya Municipal Corporation through its Municipal Commissioner, Gaya
8. The Municipal Commissioner, Gaya Municipal Corporation, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar

For the Respondent/s : Mr. Ashok Kumar Choudhry- AAG13

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 16-01-2017

The grievance of the petitioner in the present writ application in public interest is to ensure supply of adequate uncontaminated drinking water to the residents of Gaya town, especially in Station Road, Gurudwara Road, Laxman Shay Lane, A.P. Colony, Gebal Bigha, Bageshwari, Karimganj, Paheshi, Murli Heel, Imliachak.



The petitioner has attached a communication dated 4.2.2011 granting contract to M/s. Kirloskar Brothers for augmentation of water supplies in many areas of Gaya town which includes Dandibagh Zone, Manpur Zone and A.P. Colony Zone. During the course of hearing, many counter affidavits were filed which brought to the notice of the Court that M/s. Kirloskar Brothers have defaulted in performing its statutory duty.

2. This Court directed the State to file a status report regarding present status to provide drinking water to the resident of Gaya Town. In the status report now filed on 7th of December, 2016 it has been stated that the leftover of work awarded to M/s. Kirloskar Brothers was allotted to one Sri Satyendra Kumar Yadvendu on 9.11.2016 of the value of Rs.147.63 lacs. It is also pointed out that the work of Zones-1, 2 and 3 regarding leakage, repair and restoration of 85 HP motor pump has been completed and the rest work shall be completed within three months.

3. Keeping in view the status report filed, the water augmentation supply as sanctioned in the year 2011 is likely to be made functional within three months from 9.11.2016.

4. However, learned counsel for the petitioner submitted that many other areas falling within Gaya Municipal Corporation do not have the facility of potable drinking water. We



find that though potable drinking water is basic human necessity, but it is for the Gaya Municipal Corporation to assess the requirement, frame a scheme and seek funds, if it is not possessed of sufficient means, to implement the scheme of potable drinking water in the area of Municipal Corporation. This Court cannot continuously monitor the problem of drinking water in an area governed by the Municipal Corporation.

5. With the said observations, this writ petition is disposed of.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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