

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9184 of 2019

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Shri Aditya Narayan Tiwari Son of Shri Ambika Tiwari Having its registered office at Office No. 402, Mukama House, Janak Kishore Road, Kadamkuan, Patna, Bihar, permanent address resident of Village-Laukaha, Mankarariya, District-East Champaran, Bihar, 845422

... .. Petitioner/s

Versus

1. The Chief Minister, State of Bihar
2. The State of Bihar through its Chief Secretary, Department of Services having its office at Main Secretariat, Patna
3. The Secretary Department of personnel and Training Govt. of Bihar having its office at Secretariat, Patna
4. Secretary Department of Social Justice and Empowerment Govt. of Bihar having its office at Secretariat, Patna
5. Divyang Jan Sashaktikarn Directorate through its Director having its office at Seceretariat, Patna
6. Archana Kumari Director, Divyang Jan Sashaktikaran, Bhagalpur
7. Pranav Kumar District Magistrate, Bhagalpur
8. Superintendent of Police Bhagalpur
9. S.H.O. Bhikhanpur, Bhagalpur
10. Seema Shah Mayor, Bhagalpur
11. Shyam Bihari Veena Municipal Commissioner, Bhagalpur
12. Sri Parmod Lal Ward Consellor, Bhikhanpur, Bhagalpur
13. Sri Vishun Dev Shah Principal, Rajkiya Netrahin Madhyamik Vidyalaya, Bhikhanpur, Bhagalpur
14. Ajay Kumar Jha, Hostel superintendent, Rajkiya Netrahin Madhyamik Vidyalaya, Bhikanpur, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Daya Shanker Prasad
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

3 03-09-2019 The grievance of petitioner in the present case is that the



Bhagalpur Municipal Corporation without any authority have utilized the land of the Blind School for sinking a bore-well and unnecessarily creating hurdles and problem including hazardous to the extent of dangers to the life of the blind student. The Social Welfare Department has established a Blind School in the town of Bhagalpur which is called as Rajkiya Netrahin Madhyamik vidyalaya, Bhikanpur, Bhagalpur. The physically challenged blind people are prosecuting their study to their excellence. From the records it appears that for the last 40 to 50 years a bore-well was operating, supplying the water to the inmates of the school including the people of the locality but this part has not been accepted by the learned counsel for the petitioner, when the bore-well has become dysfunctional, the Municipal corporation has created a new bore-well but the learned counsel for the petitioner submits that old bore-well was working but when the new bore-well has come into existence, the old bore-well has become dysfunctional. Without going to this controversy, the learned counsel for the Bhagalpur Municipal Corporation has ensured this Court that the old structure would be removed and it would be made plain, the bore-well which is existing at present, will only occupy the minimum quantity of the area in the sense that they will only construct



safety wall to avoid any casualty.

In view of undertaking of the Bhagalpur Municipal Corporation, we direct the Municipal Corporation to remove the old structure and also utilize the minimum level of area only for the purposes of protecting their bore-well. At the same time we also direct that there would not be any encroachment temporary or permanent either from the Governmental side or from the local people in any manner including as parking area of vehicles.

In such view of the matter, there is no need to pursue the matter further.

Accordingly, this writ petition is disposed of.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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