

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10065 of 2019

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Shankar Prasad Gupta, aged about- 50 yers, Gender- Male, Son of Late Jagnarayan Prasad, R/o Mohalla-Nagina Nagar Colony, P.O. and P.S.-Phulwarisharif, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Govt. of Bihar, Patna
2. The Collector-cum-District Magistrate Patna.
3. The Executive Officer Nagar Parishad, Phulwarisharif, District-Patna.
4. The Junior Engineer Nagar Parishad, Phulwarisharif, District-Patna.
5. The Circle Officer Phulwarisharif, District-Patna.
6. The S.H.O. Phulwarisharif, District-Patna.
7. Sri Pappu Chand @ Md. Naushad, aged about 42 years, Male, S/o Cina Miyan @ Md. Mustaquim, R/o Millat Colony, Naya Tola (Near Dr. Jainul Abedin), Town and P.S.-Phulwari Sharif, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.
For the Respondent/s : Mr. Subash Prasad Singh (Ga3)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 25-06-2019

Heard the parties.

The complaint of the petitioner is against the execution of work of laying down of drain in Mohalla Nagina Nagar P.O and P.S. Phulwarisharif in the district of Patna.

According to the petitioner, the drain is being laid in such a manner that the level of the road would go above the plinth level of the houses situated on either side of the road and which



would be contrary to the directions of this Court issued in a number of cases, one of which is also reported in 2012 (2) PLJR 984. It is responding to the grievance that the Executive Officer, Nagar Parishad, Phulwarisharif has appeared through counsel and has filed counter affidavit enclosing the direction issued to the contractor to consider the grievance of the residents and lay down the drain in a manner that it remains below the plinth level of the house. Copies of the direction issued to two of the contractors dated 18.02.2019 are enclosed at Annexure-A and B to the counter affidavit.

Learned Counsel for the petitioner has invited our attention to the photographs at Annexure-1 to the writ petition to inform that a plain look would confirm to the grievance of the petitioner because the drain pipes are certainly above the plinth level of the house.

We would accordingly direct the Executive Officer, Nagar Parishad, Phulwarisharif not only to issue letters to the contractor but bearing note of the photographs which is at Annexure-1 to the writ petition, to ensure that the drains are laid below the plinth level of the houses situated on either side of the road in tune with the directions present in his letters. We make it clear that any violation of the direction would amount to contempt



and for which the Executive Officer, Nagar Parishad, Phulwarisharif shall stand responsible.

Let the work of laying down of the drain be carried out under the supervision of the Executive officer, Nagar Parishad, Phulwarisharif bearing in mind the directions above.

The writ petition is disposed of.

(Jyoti Saran, J)

(Partha Sarthy, J)

Anjula/Surendra

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	18.07.2019
Transmission Date	NA

