

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10230 of 2019**

Neelima, Wife of Late Sunil Kumar Choudhary, R/o Mohalla- North Anandpuri, Near Devi Asthan, Front of Bhola Apartment Street, House No. 160A, P.O.- G.P.O., P.S.- S.K. Puri, Town-Patna, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna
3. The Municipal Commissioner, Patna Municipal Corporation, Patna
4. The Chief Engineer, Patna Municipal Corporation, Patna
5. The Executive Officer, Patliputra Division, Patna Municipal Corporation, Patna
6. The Executive Engineer, Patliputra Division, Patna Municipal Corporation, Patna
7. The District Magistrate, Patna

... .. Respondent/s

**Appearance :**

|                      |   |                                                                        |
|----------------------|---|------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Nalin Kumar, Advocate                                              |
| For the Respondent/s | : | Mr. Subhash Pd. Singh (Ga3)                                            |
| For the PMC          | : | Mr. Bindhyachal Singh, Sr. Advocate<br>Mr. Vipin Kumar Singh, Advocate |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 25-09-2023**

Heard Mr. Nalin Kumar, learned counsel appearing on behalf of the petitioner, Mr. Bindhyachal Singh, learned senior counsel, duly assisted by Mr. Vipin Kumar Singh, learned counsel for the Patna Municipal Corporation and Mr. Subhash Prasad Singh, learned GA-3 for the State.

2. The petitioner, who is the occupant of House no.106A, situated in Mohalla North Anandpuri, near Devi Asthan, front of Bhola Apartment Street, P.S.- S.K. Puri, District Patna, preferred the present writ application for the following



reliefs:

*“(i) For issuance of Writ in appropriate nature for dismantle and further re-construct the road to its original height, which is situated at North Anandpur, in front of Bhola Apartment, Ward No.- 23 at Boring Canal Road, Patna situated under the territorial jurisdiction of Patna Municipal Corporation by considering the present legal position in view of the decisions of the Hon'ble Patna High Courts in CWJC No. 4839/2010, CWJC No. 1664/2012 & CWJC No. 17571/2014;*

*(ii) For issuance of Writ in appropriate nature to take strict action against the Respondent authorities and against the concerned Contractor; who willfully and deliberately violated the settled principle of law in view of the decisions of the Hon'ble Patna High Courts in CWJC No. - 4839/2010, CWJC No. - 1664/2012 & CWJC No. - 17571/2014;*

*(iii) For issuance of Writ in appropriate nature for taking punitive action against the Respondent Authorities as well as against the concerned Contractor; who have not heeded upon the representations filed on 11-02-2019 & 28-03-2019 by the Petitioner and other residents of the same locality and forcefully & intentionally violated the settled principle of law in view of the decisions of the Hon'ble Patna High Courts in CWJC No. 4839/2010, CWJC No.*



- 1664/2012 & CWJC No. - 17571/2014;

*(iv) For issuance of Writ in appropriate nature for initiate Vigilance or any enquiry in the matter of construction of Sub-Standard Road and drainage system with grave irregularity against the concerned work contract;*

*(v) Any other relief/reliefs that the Petitioner may be found to be entitled to in the facts and circumstances of the present case”*

3. It is submitted on behalf of the petitioner, with all vehemence, that the construction of the road, in question, and drainage system has not been taken place according to the guidelines issued by the concerned Department and the rules/bylaws of the Municipal Corporation, contrary to the violation of the High Court's direction given in C.W.J.C. No. 4839 of 2010, C.W.J.C. No. 1664 of 2012 and C.W.J.C. No. 17571 of 2014.

4. Taking reference to the aforementioned orders of the Hon'ble Court, he submitted that the construction of elevated PCC road over the plinth level of the houses, is certainly adversely affected the residents of the locality, because of water accumulation more particularly in Monsoon besides other problems.

5. On the other hand, learned senior counsel



representing the Municipal Corporation submitted that the road, in question, has been constructed as per the norms provided by the State authorities and, moreover, barring the petitioner, none of the residents, has made any complaint before the authorities concerned. He further submits that certain allegations have been levelled against the Contractor of ill-treatment and misbehave with the petitioner, for which the petitioner has remedy available under the law.

6. At this stage, learned counsel for the petitioner submits that for ventilating the grievance, as noted hereinabove, she has been continuously representing before all concerned authorities, including the District Magistrate, Patna and Municipal Commissioner, Patna Municipal Corporation, but till date, the matter has not been enquired and taken to its logical conclusion.

7. Considering the submissions made on behalf of the parties, the present writ application stands disposed of with a direction to the Municipal Commissioner, Patna Municipal Corporation, Patna to consider the representation of the petitioner dated 17.04.2019 and dispose of the same, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

8. It is expected that the representation of the



petitioner shall be considered in the light of the order of this  
Court, referred hereinabove.

(Harish Kumar, J)

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