

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3674 of 2017

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Keshav Lal Prasad, Son of Late Nem Narain Rai, resident of Mohalla-
Chakaram, Police Station- Budha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Urban Development Department, Patna.
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Patna Sadar, Patna.
4. The Circle Officer, Patna.
5. The Patna Municipal Corporation, Patna through Municipal Commissioner, Budh Marg, Patna- 800001.
6. The Municipal Commissioner, Municipal Corporation, Budh Marg, Patna- 800001.
7. Sri Shyam Babu Rai, Son of Late Mital Pahalwan, ward Councillor of Ward no. 26, Patna Municipal Corporation, Patna, resident of Mohalla- Mandiri Near kath Pul, P.S.- Budha Colony, District- Patna.
8. Ram Babu Rai, Son of Late Khairu Rai, resident of Mohalla- Chakaram, P.S.- Budha Colony, District- Patna, Patna- 800001.
9. Lal Babu Rai, Son of Late Khairu Rai, resident of Mohalla- Chakaram, P.S.- Budha Colony, District- Patna, Patna- 800001.
10. Gyanwati Devi, W/o Sri Anil Yadav, resident of Mohalla- Chakaram, P.S. Budha, Colony, District- Patna and Ward Councillor of Ward no. 24, Patna Municipal Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav- Advocate
For the State	:	Mr. Yogendra Prasad Sinha-AAG-7
For the P.M.C.	:	Ms. Archana Palkar Khopde- Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

7 08-05-2023 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Patna

Municipal Corporation.

The learned counsel for the petitioner submits that



earlier also the petitioner had moved before this Court by filing C.W.J.C. No.3670 of 2013 and the same was disposed of by order dated 13.03.2013 (Annexure-8).

The learned counsel for the petitioner next submits that the petitioner again had to move before this Court by filing the instant writ application seeking a direction upon the respondent no.6 including the Municipal Commissioner for metalling the road 10 feet wide and 250 feet long known as Srikrishna Nagar-Dujra Road and at the same time, to lay pipeline for drainage and drinking water.

The learned counsel for the petitioner submits that it only depends upon the will of the authorities to do or not to do a work. It is next submitted that it is difficult to fathom in 2023 that a citizen has to rush to this Court for such relief.

The learned counsel appearing for the Patna Municipal Corporation files a counter-affidavit on behalf of Respondent No.5 to 7 and submits that the estimate for the construction of the underground drain and PCC road in Budha Colony from Late Sarjug Rai's house to Bodhi



Narayan Rai's house via Rajesh Kumar's house to Late Krishna Yadav's house in Ward No.24 has been prepared. The estimate of Rs.28,16,800/- has been sent for administrative approval from the Office of the Executive Engineer, Urban Development Division, Patliputra to Chief Municipal Engineer, P.M.C. vide Letter No.419 dated 02.05.2023 (Annexure- A series to the counter-affidavit).

The learned counsel for the Corporation next draws the attention of the Court to Annexure- A series of the counter-affidavit at Page-9 to submit that already Tender No.04/E/Patliputra/2023 has been issued by the Patna Municipal Corporation for carrying out various works which also includes the relief being sought in the present writ application, which would be evident from Column-6 of the tender.

In view of the submissions made by the learned counsel appearing for the Patna Municipal Corporation, the Court is not inclined to proceed with the writ application.

The Writ Application is thus disposed of with a direction to the Authorities of the Patna Municipal



Corporation including the Municipal Commissioner to ensure that the relief claimed for in the present writ application is acted upon and the work of metalling the road along with laying pipeline for drainage and drinking water is completed expeditiously in terms of the time fixed in the aforesaid tender.

The Court expects that the Authorities of the Corporation shall look into the grievance of the petitioner seriously.

(Satyavrat Verma, J)

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