

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18766 of 2017

1. Madan Lal Son of Late Deo Nath Singh,
2. Arjun Kumar Singh, S/o Sri Chandra Prasad,
3. Sunil Kumar Singh, S/o Late B.N Singh
All Resident of Shivpuri, Uran Tola, Chitkohra- Beur Road, Post Office-
Anisabad, Police Station- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Department of Urban Development,
Patna.
2. Patna Municipal Corporation through Municipal Commissioner, Mauryalok,
Patna.
3. Municipal Commissioner, Mauryalok, Patna.
4. The Collector, Patna.
5. The Senior Superintend of Police, Patna.
6. The Officer-in-Charge, Gardanibagh, Police Station, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Yogendra Prasad Sinha, AAG 7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-07-2023

There was no appearance for the petitioners when the matter was called in the morning and even when kept aside for hearing. In the above circumstance, we heard the learned counsel for the respondents, perused the records and passed the following order.

2. The writ petition is filed as a Public Interest



Litigation to direct the respondents not to allow any construction of building on the road and land acquired for widening of survey road from 40 feet to 150 feet and for a further direction to complete the construction of the road and provide sewers, drains etc.

3. The Public Interest Litigation was originally filed on the premise that the respondents are encroaching upon the land acquired for widening of a road by constructing a 'Dog Hospital' causing serious problems affecting the peace of the area, which is heavily populated.

4. A counter affidavit was filed by the Municipal Corporation through its Executive Engineer, pointing out that due to stiff opposition from the local people and also the encroachments on the land, which could not be removed despite best efforts by the State, the 'Animal Birth Control Centre with Canine Section and Operation Theatre for Street Dogs', could not be constructed. There is a specific assertion that the land acquired for road widening was not at all encroached upon. It has also now come out from the later counter affidavit filed by the Respondent Nos. 2 and 3 that the proposal to set up an Animal Birth Control Centre, was also on the direction issued by the Hon'ble Supreme Court in SLP(C) No. 691 of 2009 dated



18.11.2015, wherein the local authorities were directed to file affidavits specifying the incidents of human beings being attacked by the street dogs and the steps taken to curb such human animal conflict.

5. We fail to understand how the establishment of a veterinary hospital to facilitate birth control of street dogs and also to ensure their well being otherwise, can result in disturbing the peace of the residents of the locality. In any event, the said project, at least in that location, was shelved and at present, there is no grievance with respect to the encroachment originally complained about.

6. An Intervention Application was filed by many persons on the ground that the State is attempting to establish a vending zone on the land acquired for construction of road, sewerage, drains etc. The intervenor-applicants also produced a judgment of this Court in CWJC No. 15475 of 2016, titled as **Vikash Chandra Guddu Baba Vs. The State of Bihar & Ors.**, wherein this Court had considered the issue of traffic congestion within the City of Patna especially by reasons of street vending, water logging, developmental activities, encroachment, absence of drainage and so on and so forth. In the said writ petition, the Division Bench of this Court, after interacting with the officials



present on 27.07.2019, expressed the hope that the Government Departments would co-ordinate and ensure that least problems are caused to the citizens.

7. The subsequent counter affidavit dated 16.08.2022 filed by the Respondent Nos. 2 and 3, while asserting that the project to establish an Animal Birth Control Centre in the location has been shelved, it is specifically averred that the local persons themselves have encroached upon the land for commercial purposes. It is also averred that the Urban and Housing Department had earmarked specific funds to implement the scheme for vending zones under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. In fact, we would think that the specific purpose, for which now the State Government is proceeding, that too under a statutory enactment of the Union Parliament, would realize the goals, as expressed in the judgment dated 27.07.2019 in CWJC No. 15475 of 2016. We cannot also ignore the specific averment made that the intervening applications are just a ruse to squat peacefully in the encroachments made by the local residents.

8. We are of the opinion that the Public Interest Litigation has taken a different course and the attempt is to stall



every developmental activity initiated by the State. We find absolutely no reason to keep the writ petition pending and the same is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.07.2023
Transmission Date	

