

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10278 of 2023

Sanjay Kumar Jaiswal Son of Tuntun Prasad Jaiswal, Resident of Nakchhed Tola, P.O. Motihari, P.S. Town Thana Motihari, District East Champaran at Motihari, Bihar - 845401.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Urban Housing and Development Department, Government of Bihar, Patna.
3. Motihari Municipal Corporation through its Executive Officer - cum - Municipal Commissioner, Motihari Municipal Corporation, District East Champaran at Motihari.
4. Municipal Commissioner, Motihari Municipal Corporation, East Champaran at Motihari.
5. District Magistrate, East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suruchi Priya, Advocate
For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG 7

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-07-2024 Heard Mrs. Suruchi Priya, learned counsel for the petitioner, learned counsel for the respondent Motihari Municipal Corporation and learned counsel for the State.

2. Petitioner has prayed for the following reliefs :

“i. For issuance of an appropriate writ in the nature of mandamus or any other appropriate writ of similar nature, commanding and directing the respondent Municipal authorities to take immediate action on various representations filed on behalf of the writ petitioner for taking steps



to clean drainage and sewage line from Khokhra Pul to Motijheel via Jaanpul which has been blocked due to several waste material as non cleaning of same will result into upcoming rainy season. floodlike situation in

ii. For a declaration that maintenance of drainage and sewerage is one of the primary function of any local self-government and thus a statutory duty has been casted upon the municipal corporation which they cannot ignore which might affect the public in general.

iii. For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner is entitled under the facts and circumstances of the case.”

2. It is unfortunate that even for cleaning the drainage/sewage pipe, the petitioner had to knock the doors of the Patna High Court.

3. Taking into account the limited prayer, this Court deems it appropriate to dispose of the matter with a direction to the petitioner to approach the Motihari Municipal Corporation, East Champaran, Motihari (respondent No. 4) within two weeks who shall look up the matter and decide the same as early as possible preferably, within a period of two months from the date the petition is preferred before it.



4. The order has been passed in presence of the learned counsel for the Motihari Municipal Corporation who undertakes to communicate the order passed today to the concerned officer.

5. So far as the counter affidavit filed on behalf of the respondent No. 2 is concerned, in view of the fact that sub paras of paragraph No. 11 are blank and the office chose not to take note of that, the same is rejected with a cost of Rs. 500/- to be deposited with the Patna High Court Legal Services Committee.

6. The amount is to be deposited within one week.

7. Writ petition stands disposed of.

(Rajiv Roy, J)

Prakash/-

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