

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7136 of 2026

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Ajay Kumar Singh Son of Late Braj Bhushan Prasad Singh, Resident of Village- Saketpuri, South of Bazar Samiti, P.O.- Rajendra Nagar, P.S.- Bahadurpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Commissioner-cum-Regional Development Officer, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Municipal Commissioner, Patna Municipal Corporation, Patna.
5. The Executive Officer, Bankipur Circle Patna Nagar Nigam, Patna.
6. The City Manager, Patna Nagar Nigam Bankipur Circle, Patna.
7. The Executive Officer, Patna Nagar Nigam, Maurya Loak Complex, 2nd Floor, Block- C, Patna- 800001.
8. The Ward Commissioner, Ward No. 47, Sandalpur, Bazar Samiti, P.S.- Bahadurpur, Patna- 800006.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Kumar, Adv.
For the State	:	Mr. P K Shahi, Advocate General
		Mr. Vikash Kumar, Adv.
For the P.M.C.	:	Mr. Prasoon Sinha, Sr. Adv.
		Mr. Prabhat Kumar, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-05-2026 Mr. Amit Kumar, learned Counsel appearing on behalf of the petitioner, invoking the jurisdiction of this Court preferred the present writ petition by way of a Public Interest Litigation seeking a direction upon the respondent to ensure the construction of the road, in accordance with the S.O.P., as there



is persistent water logging in the residential area of Ward No. 47, Saketpuri, Panchwati Nagar, Rajendra Nagar which comes under Patna Municipal Corporation.

2. Learned Counsel for the petitioner submitted that the construction by the Government is being made about 3 feet above house leveling area, which creates consistent water logging in the locality. For redressal of such grievance, the petitioner has already filed a detailed representation in the light of the order of this Court, passed in C.W.J.C. No. 18202 of 2022 (Ashish Kumar -Vrs.- The State of Bihar & Ors.) and other analogous cases, the copy of such representation is placed on record as Annexure-P/11, but till date, no action has been taken.

3. On the other hand, Mr. Vikash Kumar, learned Counsel for the State submits that earlier the petitioner had approached this Court by filing C.W.J.C. No. 5710 of 2021, wherein the petitioner was extended liberty to approach before the authority concerned and again for the same relief, the petitioner has approached this Court.

4. Before parting this case, it would be worth benefiting to refer to the decision passed by this Court in C.W.J.C. No. 18202 of 2022, wherein vide order dated 27.04.2026, while hearing identical matter has been pleased to



direct as follows:-

“5. There is no dispute that increasing the height of roads during repair or reconstruction, commonly known as resurfacing without milling, creates significant problems for residential and commercial infrastructure. This practice, often done to avoid the cost of remaining old layers, leads to water-logging and accelerates structural damage to building. When roads are raised above the level of surrounding houses, it causes the rainwater and sewage to flow back into houses and shops, damaging property and spreading diseases. The plinth levels of houses and shops become significantly lower than the road surface over time. The steep gradient created between the elevated road and entrance to the properties makes it difficult for the residents to enter into their houses particularly for the vehicles. Contractors should scrape off the old, damaged layer (milling) before laying a new layer to maintain the original height.

We expect that the Road Construction Department, Urban Development Department, Public Works Department, Municipal Corporations including the Rural Works Department shall follow the SOP which has been annexed to the supplementary counter affidavit filed on behalf of respondent no. 4 and annexed as Annexure-R-4/A in its letter and spirit and should ensure that road construction adheres to engineering standards and the roads are not raised unscientifically. Whosoever breaches the SOP in any manner shall be held accountable and as per the previous



order of this Court dated 19.04.2010 passed in two writ petitions, the concerned contractor deviating from the stipulation shall be visited with the order of rescission of the contract and face penal consequence. There should be a clear provision in the contract to that effect and the engineers who are supposed to monitor the work of the contractors shall also be held accountable, if deviation is made from the stipulation by the contractor. Since in the SOP, it is clearly mentioned not to raise the road levels arbitrarily, and without documented approval and not to neglect the drainage during maintenance afterwards and to avoid the construction practices that obstruct the access to adjacent properties and also to follow the approved roads strictly, it is expected that all the authorities including the contractor shall work in tandem to see that the SOP is observed in its letter and spirit and strict adherence is made to the SOP during the project execution. In view of the order dated 19.04.2010 of this Court passed in the aforesaid two writ petitions, if anyone brings to the notice of the Collector cum District Magistrate of the concerned district regarding the heightening of the road arbitrarily and without documented approval, then the same shall be looked into in quite promptitude and necessary follow up action shall be taken.”

5. In the light of the aforementioned direction, the petitioner has filed a detailed representation before the District Magistrate, Patna, which is duly received in the office of



District Magistrate on 24.04.2026. Hence, this Court deems it fit and proper to dispose off the writ petition with a direction to the District Magistrate, Patna to look into the matter and take appropriate action, in the light of the direction above referred, preferably within a period of four weeks, from the date of receipt/production of a copy of this order.

6. This disposes the writ petition.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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