

(2020) 01 JH CK 0257

In the Jharkhand High Court

Case No : Writ Petition (C) No. 6455 Of 2019

Ghanshyam Heliwal

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 18-01-2020

Acts Referred:

Citation : (2020) 01 JH CK 0257

Hon'ble Judges : Rajesh Shankar, J

Bench : Single Bench

Advocate : N.K. Pasari, Vishakha Gupta, Sidhi Jalan, Vaibhav Vishal, Kumari Rashmi, Indrajit Sinha, Ajay Kumar Sah

Final Decision : Disposed Of

Judgement

1. The present writ petition has been filed for issuance of direction upon the respondents to show cause as to why even after making several requests for repair of drainage system, the same has left unattended on the pretext of non-availability of fund resulting into overflowing of drainage/sewerage system including filth inside the residential house of the petitioner making the same inhabitable. Further prayer has been made for issuance of direction upon the respondents to show cause as to why the respondent-Dhanabd Municipal Corporation is not taking any action against the other local inhabitants who have got their residential houses constructed without creating appropriate infrastructure for drainage/sewerage system to maintain hygiene. The petitioner has also prayed for issuance of direction upon the respondents to carry out necessary repair/maintenance of the drainage/sewerage system in the locality.

2. The learned counsel for the petitioner submits that that the petitioner is the resident of House No. 117, Karkend Bazar, Kusunda in the district of Dhanbad and is paying the municipal taxes to the respondent-Corporation. The grievance of the petitioner is that despite his several requests made to the various authorities of the respondent-Corporation for repair of the drainage system in the locality and also to take action against the other inhabitants of the said locality

who have though constructed their residential houses, but have not made any arrangement for maintaining hygiene such as septic tanks, drainage/sewerage system etc. The petitioner also requested the said authorities to carry out necessary repair of the existing drainage/sewerage system in the said locality. It is further submitted that the petitioner also agitated the matter in "Jansamvad" in pursuance of which "action taken report" was prepared on 10.04.2019 by the Corporation (a copy of which has been annexed as Annexure-2 to the writ petition) in which it has been stated that cleaning of drainage/sewerage is a routine work. Moreover, during preparation of the action taken report, the drainage/sewerage of the area were properly cleaned. However, so far as the repair and maintenance of the drainage/sewerage system in the locality is concerned, the same was not possible to be taken up at that moment due to unavailability of the fund and it would take six months' time. It is further submitted that even a lapse of six months, no maintenance work has been carried out by the respondent-Corporation in relation to the drainage/sewerage system existing in the said locality.

3. The learned counsel appearing on behalf of the respondent-Dhanbad Municipal Corporation submits that Dhanbad Municipal Corporation is making all possible endeavor to properly maintain the drainage/sewerage system in Dhanbad City including the petitioner's locality. However, there is some financial constraints with the Corporation. Moreover, the Corporation used to come out with schemes in this regard periodically depending upon the available resources/fund with the Corporation. However, if the petitioner prefers a fresh representation before the respondent no. 3 - Municipal Commissioner, Dhanbad Municipal Corporation, Dhanbad, the same shall be taken up and appropriate decision will be taken.

4. Having heard the learned counsel for the parties and keeping in view the nature of the prayer made in the present writ petition, the petitioner is given liberty to prefer a fresh representation before the respondent no. 3 on the said issue. On receipt of the said representation, the respondent no. 3 after making due enquiry and on providing an opportunity of hearing to the petitioner, if so required, shall take appropriate decision in this regard, preferably within a period of 8 weeks from the date of receipt/production of a copy of this order.

5. The writ petition is accordingly disposed of with aforesaid liberty and direction.