
(2009) 03 MP CK 0070

In the Madhya Pradesh High Court

Case No : Writ Petition No. 216 of 2007

Phool Singh

APPELLANT

Vs

Municipal Corporation

RESPONDENT

Date of Decision : 25-03-2009

Acts Referred:

Madhya Pradesh Municipal Corporation Act, 1956 — Section 66, 66(1)

Citation : (2010) 2 MPJR 163

Hon'ble Judges : S.C. Sharma, J

Bench : Single Bench

Judgement

S.C. Sharma, J.

The petitioner before this Court has filed this present petition and has stated that respondent Municipal Corporation is not permitting him to repair the sewer line and there is no garbage system, therefore, his family is facing grave problems. It has been stated that he is residing at Kashinaresh Ki Gali, Ward No. 9, Lashkar, Gwalior and he has already deposited the necessary amount with the Corporation for repairing the blockage in the sewer line.

Respondent/ Corporation has filed the reply and it has been stated that blockage in the sewer line is due to encroachment by the petitioner and now the petitioner wants to a new sewer line which is not possible. The Corporation has also categorically stated that the encroached land belongs the State/ Municipal Corporation and in support of her arguments annexed Annexure R/2, a representation received by the Mohalla Vikas Samiti in the matter.

In the present case, it is argued by the learned counsel for the Corporation that it is not the duty of the Corporation to construct a new sewer line and the petitioner has to pay for new sewer line, in case the same has to be constructed/ created. The petitioner has categorically stated that no sewer line is in existence and the petitioner is residing in a locality, which is facing grave inconvenience and the same is also being resulted in spreading of various disease.

Heard learned counsel for the parties at length and perused the record.

In the present case, as per the averments made in the writ petition, the petitioner is aggrieved by in action on the part of the Municipal Corporation in not constructing / repairing the sewer line. Chapter V of the M.P.Municipal Corporation Act, 1956 provides for power, duties and functions of the Municipal Authorities. Section 66(1) (a) and (b) of the Act of 1956 reads as under:-

66. Matters to be provided for by Corporation -(1) The Corporation shall make adequate provisions, by any means or measure which it may lawfully use or take, for each of the following matters namely: -

(a) lighting public streets, places and buildings.

(b) cleaning public streets, places and sewers and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Corporation or not; removing noxious vegetation, and abating all public nuisance;

Thus, the aforesaid section makes it clear that it is the duty of the Corporation to provide a proper sewer in the locality.

Resultantly, the writ petition is disposed of with a direction to the respondent/ Municipal Corporation to provide a sewer line in the locality where the petitioner is residing as per the provisions of Section 66 of the Municipal Act.

The aforesaid exercise of providing a proper sewer line in the locality be done positively within a period of 60 days from today.

With the aforesaid petition stands disposed of. No order as to costs.

C.C as per rules.