

(2019) 06 PAT CK 0011

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 10065 Of 2019

Shankar Prasad Gupta

APPELLANT

Vs

State Of Bihar Through The Principal Secretary And Ors

RESPONDENT

Date of Decision : 25-06-2019

Acts Referred:

Citation : (2019) 06 PAT CK 0011

Hon'ble Judges : Jyoti Saran, J; Partha Sarthy, J

Bench : Division Bench

Advocate : Pramod Kumar Singh, Subash Prasad Singh

Final Decision : Disposed Of

Judgement

Heard the parties.

The complaint of the petitioner is against the execution of work of laying down of drain in Mohalla Nagina Nagar P.O and P.S. Phulwarisharif in the district of Patna.

According to the petitioner, the drain is being laid in such a manner that the level of the road would go above the plinth level of the houses situated on either side of the road and which would be contrary to the directions of this Court issued in a number of cases, one of which is also reported in 2012 (2) PLJR 984. It is responding to the grievance that the Executive Officer, Nagar Parishad, Phulwarisharif has appeared through counsel and has filed counter affidavit enclosing the direction issued to the contractor to consider the grievance of the residents and lay down the drain in a manner that it remains below the plinth level of the house. Copies of the direction issued to two of the contractors dated 18.02.2019 are enclosed at Annexure-A and B to the counter affidavit.

Learned Counsel for the petitioner has invited our attention to the photographs at Annexure-1 to the writ petition to inform that a plain look would confirm to the grievance of the petitioner because the drain pipes are certainly above the plinth level of the house.

We would accordingly direct the Executive Officer, Nagar Parishad, Phulwarisharif not only to issue letters to the contractor but bearing note of the photographs which is at Annexure-1 to the writ petition, to ensure that the drains are laid below the plinth level of the houses situated on either side of the road in tune with the directions present in his letters. We make it clear that any violation of the direction would amount to contempt and for which the Executive Officer, Nagar Parishad, Phulwarisharif shall stand responsible.

Let the work of laying down of the drain be carried out under the supervision of the Executive officer, Nagar Parishad, Phulwarisharif bearing in mind the directions above.

The writ petition is disposed of.