

(2010) 04 PAT CK 0231

In the Patna High Court

Case No : CWJC Nos. 6192 of 1997 and 2418 of 2009

Shyam Kishore Sharma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 26-04-2010

Acts Referred:

Citation : (2010) 04 PAT CK 0231

Judgement

1. The basic grievance in this Public Interest Litigation is to have proper drainage system, keeping the Ganga Ghats cleaned during the festivals, making provisions so that there will be no water logging and such other ancillary reliefs. This Court has been monitoring this case and passing interim orders from time to time which have been given effect to by the authorities concerned. Today, when the matter was taken up it was thought apposite not to keep the same pending and to issue certain directions and accordingly following directions are issued:--

1. Drainage must be cleaned properly at regular intervals so that recurring problem of water-logging may be avoided.

2. Cleaning of drainage should be carried out at regular intervals under the supervision of the Sanitary Inspector, who shall file his report before the Empowered Committee and the Empowered Committee shall place the same before the Municipal Council.

2. The levels of the roads which have been raised will not be disturbed further. No public road should be constructed in such a way which crosses the plinth area. By way of an alternative arrangement scientific and sophisticated methods are to be evolved so that rain water may not inter into the dwelling houses and it may easily pass to the drains.

3. The capacity of the sump houses should be increased.

4. If there is any kind of water-logging occurs in the city, immediate actions on war footing should be carried out to get rid of such problem by taking aid of mechanical mills and other machinery facilitating water to be passed in some

other water reservoirs barring the river Ganges.

5. If water-logging still remains, the Patna Municipal Corporation shall utilize the fogging machine to prevent the menace of mosquitoes. The Patna Municipal Corporation shall see to it that the fogging machines, which are available at present, are made workable and new fogging machines are purchased by putting forth the proposal in this regard in the budget.

6. The fogging machines which are purchased be utilized in those areas where water logging problem exists and mosquitoes are spreading in geometrical measure.

7. The Municipal Authorities shall remember that health is the primary concern of every citizen and no citizen should be deprived of the same.

8. It is the sacrosanct duty of the State Government to see that appropriate budgetary allocations are made to uplift the sanitary condition preventing mosquitoes from spreading during rainy season or otherwise as also preventing any kind of water borne disease/other diseases.

9. The technical team of the Municipal Corporation shall work with the technical team of the State Government as agreed to by Mr. P.K. Shahi, learned Advocate General so that they can see to it that the existing underground drainage pipes are replaced with the pipes of higher diameters. That being in the domain of expertise, we have left it to the experts of the Corporation as well as that of the State.

10. The Municipal Corporation and the NBCC shall see to it that there are no open potholes in midst/flanks of the roads which may be fatal to the citizenry.

11. All efforts be made so that the drainage system works properly and nobody suffers from any kind of damage due to bad maintenance of the drainage.

12. It will be the duty of the Patna Municipal Corporation to see that no citizen ties any cattle near the drainage, for when they defecate that spoils the water and also causes damage/blockage to the drains.

13. The Patna Municipal Corporation shall see that no portion of the drainage is encroached upon by the citizens and, if there is any encroachment, the same is removed in quite promptitude.

14. While sanctioning the building plans, the Municipal Corporation shall follow in letter and spirit the stipulations provided under the Municipal Act and the Rules framed thereunder and shall not allow any residential area to be developed unless the drainage has been sanctioned and completed.

15. The Municipal Corporation shall see to it that adequate containers are fixed and placed at such places facilitating the people of the area to put garbage therein which is lifted therefrom in quite promptitude. Public notice should be published in the newspapers making the people of the area aware that it is their

duty to put the garbage in those containers and not outside and deviation may lead to prosecution as per law.

16. The State Government and the Municipal Corporation shall make people aware by electronic and print media and shall hold awareness camps so that the citizens of Patna shall co-operate to keep the city clean.

17. The competent officer of the Municipal Corporation shall see to it that polythene bags must not be thrown in the drainage and, if anyone puts the same, he may be booked under the law. It is the duty of the Corporation to keep a vigil in this regard.

18. It must be understood that the citizen cannot live in a non-sensible way in a sovereign State and the Court expects that wisdom may dawn upon municipal authorities so that the people may get rid of the perennial problems.

19. When the Patna Municipal Corporation includes Patna City area, it is the duty of the Municipal Corporation to give same importance to that area also so far the other direction are concerned.

20. A committee consisting of following learned lawyers is being constituted to remain watchful to the rights of the citizen as far as it concerns the civil amenities and, if they find anything that is not adequate, it shall bring the same to the notice of the learned Advocate General, who shall impress upon the State Government and the Municipal Corporation to take appropriate actions, for the simple reason, it is the duty, nay, obligation of the State Government as well as the Municipal Corporation to see that the people enjoy good health, pure water and pure air and not affected by contagious disease:--

- (A) Mr. Shivendra Kishore,
- (B) Mr. Ashutosh Ranjan Pandey,
- (C) Mr. Shambhu Sharan Singh,
- (D) Mr. Shashi Bhushan Kumar, and
- (E) Mr. Vikash Kumar, Advocates.

The writ petitions are accordingly disposed of.