
(2008) 07 PAT CK 0003
In the Patna High Court
Case No : CWJC No. 6192 of 1997

Shyam Kishore Sharma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 28-07-2008

Acts Referred:

Citation : (2008) 4 PLJR 239

Hon'ble Judges : Ravi Ranjan, J; Chandramauli Kr. Pd., J

Bench : Division Bench

Judgement

1. Maintenance of civic amenities is primarily the function of the Civic Authorities and the State Government, they exist for that. Ordinarily, we do not wish to intervene in matters like this, but what has happened in the last few weeks, compel us to intervene in the matter.

2. True it is that PIL is not pill for every ill but when the very existence of the residents is in peril, we cannot shut our door. The doors of this Court shall be open and remain open so that we ensure their survival. This is our constitutional obligation.

3. Large part of city has become a slum and many areas are water logged. Citizens in those areas are living in inhuman conditions, exceptions apart like Ministers, Judges, Senior Government Officials. Rain water has contributed in that. Average rain-fall may be more but on that ground the Civic Authorities and the State Government cannot fold its hands and blame the excess rain.

4. Several affidavits have been filed in this case by the Municipal Corporation and the State Government about the short term and long term measures they intend to take and have taken to resolve the problem.

5. We are constrained to observe that Civic Authorities and the State Government have befooled the citizens of the State by promising but not carrying out its promises. It is common ground that it has not mitigated the

hardship of the residents.

6. Unlike earlier years, our reluctance to monitor the functioning of the Patna Municipal Corporation and the departments of the State Government, it is contended, had made the situation worse. We take note of that.

7. Accordingly, we appoint Mr. N.K. Sinha, Senior Advocate and Additional Advocate General of the State to constitute a team of lawyers to visit affected areas in the town of Patna and report about the civic amenities in their respective areas.

8. The Committee, so constituted, shall see that:-

(i) the work of draining out of rain water continues so long accumulation of water is not removed from the roads and ditches in the city of Patna,

(ii) existing garbages are removed immediately,

(iii) bleaching and gamaxine powders are sprinkled on the roads and both sides of flanks,

(iv) bleaching and gamaxine powders are also distributed amongst the residents of the area for sprinkling in the compounds and court-yards,

(v) fogging machines is put into service immediately in the affected areas,

(vi) electricity is supplied for operating pumps for draining out the accumulated water,

(vii) the authorities of Patna Medical College and Hospital, Nalanda Medical College and Hospital, other Government Hospitals and dispensaries in the town supply free medicines to the patients falling sick due to failure to maintain civic amenities,

(viii) tablets for purification of infected drinking water is supplied to each family,

(ix) effective measures is taken to prevent water borne diseases, like, cholera, hepatitis etc.

9. The Patna Municipal Corporation and the State Government may take such other measures as they deem expedient in the situation.

10. During hearing, Mr. Tarkeshwar Ojha, a resident of Kankarbagh, informs us that water supply of the area has been discontinued.

11. Mr. Ojha shall meet the Commissioner of Patna Municipal Corporation/ Executive Officer of the Patna Water Board, who in turn, shall consider his grievance and remedy the same forthwith in accordance with law.

12. Mr. N.K. Sinha, Senior Advocate, and the team constituted by him shall submit the reports to this Court within two weeks. A copy of the report before being filed in the Court, shall be served on the Advocate General and the Counsel

of the Patna Municipal Corporation, who shall forward the same to concerned authority and they shall be ready with their response on the next date.

13. All the authorities of the State Government and the Patna Municipal Corporation shall facilitate the functioning of the Committee.

14. List it on 11th of August, 2008 under the same heading. Let a copy of this order be handed over to the learned Advocate General and Mr. N.K. Sinha, Senior Advocate.