

(2020) 12 PAT CK 0109

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 4950 Of 2020

Seraj Ahmad

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: Dec. 11, 2020

Hon'ble Judges: Sanjay Karol, CJ; Partha Sarthy, J

Bench: Division Bench

Advocate: Raju Giri, Yogendra Prasad Sinha, Bindhyachal Rai

Final Decision: Disposed Of

Judgement

Petitioner has prayed for the following relief(s):-

- I. To issue an appropriate writ/order/direction, in the nature of mandamus commanding the Respondents to immediately solve the problem of permanent water-logging in Mohallah - Maheshpatti, Ward No.31 in the Town of Darbhanga caused due to accumulation of silt in the existing drains, encroachment on drains and also of Roads.
- II. To issue an appropriate writ / order direction, in the nature of mandamus commanding the Respondents particularly Respondent No.3 &4 to get the silt removed from the existing drains, encroachments removed from the drains and also from the Roads of the Mohallah and wherever required to construct new drains for better flow of the drainage water.

III. To any other relief or reliefs for which the Petitioners is found to be entitled in the facts and circumstances of the case.â€

The issue highlighted is with regard to the water-logging on account of poor drainage system within the municipal limits of Darbhanga Municipality, and more specifically Mohalla- Maheshpatti of Ward No. 31, Darbhanga Town.

We find that the petitioner has already approached Respondent No. 4, namely, Municipal Commissioner, Darbhanga, venting out his grievances.

Having heard learned counsel for the parties, we are of the considered view that interest of justice would be best met, if the District Magistrate,

Darbhanga shall examine the issue-in-question and ensure that a workable solution is found out and implemented at the earliest. His intervention would

only make the living condition of the people of the locality better, convenient and bring smile on their faces. The water-logging, perennial in nature,

may also lead to health problems, which can also be prevented with timely intervention.

As such, we direct Respondent No. 3, namely, District Magistrate, Darbhanga to ensure that a meeting of all the officers of all the concerned

departments, including that of the Municipal Corporation, Darbhanga, is convened and action taken for venting out the grievances of the petitioner.

Needful be done positively within a period of three weeks from the date of receipt/production of a copy of this order.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same

shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering the case of the petitioner, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms. Interlocutory Application(s), if any, also stands disposed of.