

**(2013) 07 AHC CK 0144**

**Allahabad High Court (Lucknow Bench)**

**Case No:** Writ Petition No. 1436 (PIL, Civil) (M/B) of 2009

Rama Kant Dixit

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision:** July 15, 2013

**Hon'ble Judges:** Shiva Kirti Singh; CJ and Shri Narayan Shukla, J

**Final Decision:** Disposed Of

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### **Judgement**

Narayan Shukla, J.

Heard the parties.

The relevant facts leading to filing of this writ petition as PIL were noticed in detail and by order dated 20th April, 2011, this Court directed the respondent no.2 Lucknow Development Authority to deposit an amount of Rs. 1,00,000/- with the Court so that it may be paid to the parents of minor late Shailesh, who died on account of tragic accident on 30th January, 2009 due to falling in a manhole which was not covered.

Learned counsel for respondent no.2 has informed this Court that the said amount was deposited as per directions of this Court and the name of father of victim boy Shailesh was found by the authorities and the police to be Krishna Sahu, son of Shri Naryan Sahu.

An impleadment application has been filed on behalf of said Krishna Sahu for being impleaded in this case as per observations in the order dated 20th April, 2011.

In the facts of the case, the impleadment application, noticed above, filed on 14th September, 2012 bearing C.M. Application No. 81210 of 2012 is allowed. The deposit of Rs.1,00,000/- made in this Court shall be permitted to be withdrawn by Shri Krishna Sahu who shall be identified by his counsel Shri Anurag Srivastava, Advocate.

The office is directed to act promptly and ensure that the amount of Rs.1,00,000/- is now paid to Shri Krishna Sahu, father of the deceased boy Shailesh, without any delay.

So far as the main issue raised in this PIL that Lucknow Development Authority should cover the manholes in the concerned area is concerned, it stands admitted by the parties that the Lucknow Development Authority has transferred the area of development to Lucknow Municipal Corporation and, therefore, the responsibility of covering the manholes, repairing and improving the infrastructure is cast upon the Jal Kal Department of Lucknow Municipal Corporation.

In case, there are uncovered manholes still existing in the area, then the Jal Kal Department of Lucknow Municipal Corporation should take steps to cover such manholes without any delay, preferably within a period of four weeks. For that purpose, a survey be made by them immediately followed by an action to cover the manholes found to be without cover expeditiously.

The writ petition is, accordingly, disposed of.

It is made clear that if there be any dispute between the Lucknow Development Authority and Lucknow Municipal Corporation regarding sharing of the expenses required for carrying out the aforesaid orders of this Court, then such dispute shall be settled by them by sitting across the table without any delay, preferably within a period of one week.