

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11522 of 2014

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1. Bhairaw Nand Sharma S/o Late Tapeswar Sharma, resident of Mohalla
C.D.A. Colony, P.S. Shastri Nagar, District- Patna (Bihar)
..... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. The Principal Secretary, Department of Water Resources, Government of
Bihar, Patna
3. The Engineer-in-Chief, Department of Water Resources, Govt. of Bihar,
Patna
4. The Chief Engineer, Department of Water Resources, Aurangabad, Bihar
5. The Superintending Engineer, High Label Sone Canal Anchal,
Aurangabad, Bihar
6. The Executive Engineer, Patna, Sone Cane (East), Daudnagar, District-
Aurangabad, Bihar
... Respondents

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Appearance :

For the Petitioner : Mr. Bhairaw Nand Sharma, Adv.
(in person)

For the Respondent : Mr. Rajesh Ranjan, A.C. to GA VIII

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 12-01-2015 The petitioner had come to this Court on earlier occasion by filing C.W.J.C. No. 3907 of 2012, complaining that the irrigation canal of R.P. Channel "E" from 4.50 K.M. to 09.50 K.M. passing through Belsar Lock to Walidad Lock in the district of Arwal was damaged, in the name of repairs and huge amount was paid to the contractor, but, the canal was not restored to the level of utility.

Though order, dated 27.02.2012, passed in C.W.J.C. No. 3907 of 2012, leaving it open to the petitioner to submit a detailed representation a direction was given to respondent no. 2 to dispose off the representation expeditiously.

Accordingly, the petitioner submitted a representation to the Principal Secretary, Water Resources Department, Government of Bihar, Patna, respondent no. 2.

The respondent no. 2 passed an order on 19.03.2013 informing the petitioner that the contractor, who was assigned the work, has completed part of the work and remaining part of the work would be executed in short time. It has been stated that no defalcation of the amount has taken place, and that the farmer need

not be extended the benefit of exemption of irrigation cess. The petitioner submitted another representation on 27.11.2013 and it was rejected through reply, dated 13.01.2014. Hence, this petition is in public interest litigation.

The learned counsel for the petitioner contended that except giving the reply, the respondent did not take any positive step to restore the canal to the level of utility.

Today, a counter affidavit has been filed by the respondents in which it has been stated that the work would be completed within a short time.

Heard Sri Biarwanand Sharma, the learned counsel for the petitioner, and Shri Rajesh Ranjan, A.C. to G.A. VIII, learned counsel for the State.

The effort of the petitioner is to restore the canal. The work assigned to the contractor involved use of 55278 cubic meter of earth. However, the work, only to the extent of 45518 cubic meter earth was executed and balance work was left over. There were some lapses on the part of the respondents in restoring the canal and getting the balance of work done. After the writ petition is filed, tenders were called and work was entrusted.

We direct that the canal be brought to full use without any hindrance within a period of four months from today.

With these observations and directions, this petition is **disposed off**.

The interlocutory application, if any, shall stand disposed off.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Gopal Prasad, J)

Cp:2/SA/-

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