

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11194 of 2011

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Rajeshwar Singh, son of Sri Badri Mahto, Resident of Mohalla Lakhanusarai, P.S.-
Sasaram, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
4. The Commissioner, Patna Division, Patna.
5. The District Magistrate, Rohtas.
6. The Superintending Engineer, RWD Circle, Sasaram, Rohtas.
7. The Executive Engineer, Rural Works Division No. 2, Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. KRISHNA MOHAN MURARI

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 27-10-2015

Heard the Counsel for the petitioner. No one has
appeared on behalf of the State.

The nature of grievance raised through this application
can well be appreciated by the prayer sought in the writ petition
incorporated in paragraph 1 whereof, which reads as under:-

“That this application is being filed for a direction
to respondents to construct culvert on Kudra river in
accordance with sanctioned plan and as per tender
issued by Rural Works Department through NIT No.
04/09-10 at mauza lakhanusarai near Khobharia Ghat
instead of at mauza Bishunpura deviating its original
scheme sanctioned and passed under Mukhyamantri
Setu Yojna which is causing damage of crops of the
villagers of Bishunpura village including the present
petitioner who is highly affected as water flow of
deviated culvert is flowing from agricultural land of
the petitioner. And/or pass such other order/orders to
which the petitioner is entitled in the facts and
circumstances of the present case.”

The petitioner has substantial land in Mauza Bishunpura

within Sasaram circle in the district of Rohtas. He is aggrieved by faulty construction of the bridge/culvert over Kudra river which has resulted in water logging in his adjoining land. An issue was raised in this regard before the appropriate authority of the department and a direction was issued by the Secretary, Department of Agriculture to the District Magistrate, Rohtas vide letter no. 8088 dated 9.5.2012 for taking immediate remedial steps in the matter. Since, no step was taken in the light of the instruction of the government, present writ petition has been filed for the said relief.

A dispute of this nature would not be gone into in writ jurisdiction. However, the petitioner cannot be left high and dry. The matter can be disposed of by directing the District Magistrate to consider the grievance of the petitioner in the light of diverse reports and instruction submitted/issued in this regard by the government and other enquiry bodies and take remedial measures. Petitioner shall represent afresh before the respondent District Magistrate, who shall take appropriate/needful steps as required in law as quickly as possible preferably within three months from the date of filing of the application.

The writ application is, accordingly, disposed of.

(Kishore Kumar Mandal, J)

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