

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22123 of 2014

Shivesh Kumar S/o Sri Jaikaran Singh, resident of village - Manchi, P.O. - Bhandari, Block - Belsand, Police Station - Belsand, District - Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar represented through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief (North), Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Flood Control, Planning and Monitoring Water Resources Department, Government of Bihar, Patna.
5. The Chief Engineer, Muzaffarpur Division, Water Resources Department, Government of Bihar, Patna.
6. The Executive Engineer, Bagmati Division, Water Resources Department, Government of Bihar, Patna.
7. The Executive Engineer, Runisaidpur Division, Water Resources Department, Government of Bihar, Patna.
8. The Divisional Accountant, Muzaffarpur Division, Water Resources Department, Government of Bihar, Patna.
9. The Principal Secretary, Department of Vigilance, Government of Bihar, Patna.
10. The Additional Director General, Vigilance Bureau of Investigation, Bihar, Patna.
11. The Hindustan Steelworks Construction Limited, 3rd Floor, Ready Money Terrace, 167, Dr. Anne Besant Road, Worlinaka, Mumbai, Maharashtra 400018.
12. The District Magistrate, Sheohar, (Bihar)
13. The District Magistrate, Sitamarhi (Bihar)
14. The Superintendent of Police Sheohar (Bihar)
15. The Superintendent of Police, Sitamarhi (Bihar)

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate
Mr. Md. Imteyaz Ahmad, Advocate
For the Respondents : Mr. Ashok kr. Kesari, AAG-11

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 22-12-2015

Heard Mr. Ajay Kumar Thakur, learned Counsel, appearing for the petitioner, and Mr. Ashok Kumar Keshari, learned Additional Advocate General No. XI, appearing for the respondents.

It is agreed by learned counsel for the parties appearing before us that it was by mistake that in the order, dated 15.12.2015, passed in this PIL, '27.01.2016' has been typed as the next date; whereas the next date, in terms of the order, which had been dictated in the open Court on 15.12.2015, was today i.e. 22.12.2015.

Perused the additional counter affidavit filed on behalf of respondent Nos.12 and 14, which shows that the entire encroachment, including encroachment, which had been made, while constructing Hanuman Temple and Anganwari Centre, have been removed.

For what have been pointed out above, we are of the view that this writ petition, which has been filed under Article 226 of the Constitution of India, in the form of Public Interest Litigation, needs to be closed on the ground that it has become infructuous.

Considering, therefore, the matter in its entirety and in the interest of justice, this writ petition is closed by directing the State-respondents to ensure that by 31st March, 2016, the work of the dam, in question, is completed, in terms of their approved plans. The petitioner may seek leave of this Court, in future, to re-open this PIL if such a situation so arises.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

Sunil/-

U			
---	--	--	--