

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21188 of 2011

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1. Akhil Kumar S/O Late Tapeswar Singh Resident Of Village Khajuri, P.O. Khajuri, P.S. Naubatpur, District Patna.
 2. Sheodhari Sharma S/O Late Nargovind Singh Resident Of Village Khajuri, P.O. Khajuri, P.S. Naubatpur, District Patna.
 3. Jagdish Singh S/O Late Ramdhyan Singh Resident Of Village Khajuri, P.O. Khajuri, P.S. Naubatpur, District Patna.
 4. Bishwanath Singh S/O Late Jaynandan Singh Resident Of Village Khajuri, P.O. Khajuri, P.S. Naubatpur, District Patna.
 5. Brij Mohan Sharma S/O Late Deopujan Singh Resident Of Village Khajuri, P.O. Khajuri, P.S. Naubatpur, District Patna.

.... Petitioner/s

Versus

1. The State Of Bihar Through Commissioner Water Resources Department, Bihar, Patna.
2. Director, Water Management, Directorate, Irrigation, Koshang, Patna.
3. The Engineer In Chief, Water Resource Department Bihar, Patna.
4. The District Magistrate, Patna.
5. The Chier Engineer, Patna, Water Resources Department Anishabad, Patna.
6. The Superintending Engineer, Ganga Sone, Flood Security Circle Mithapur, Patna.
7. The Executive Engineer, Irrigation Division, Khagaul, Patna.
8. Sri Ram Padarath Sharma, Executive Engineer, Planning And Monitoring Division Irrigation Department, Irrigation Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. DHANANJAY KUMAR

For the Respondent/s : Mr. MD. N. HODA KHAN SC18

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 09-10-2015

Heard the Counsel for the petitioner, the intervener respondent and the State.

The petitioners herein are residents of village Khajuri under Naubatpur police station in the district of Patna. They seek a direction upon the respondents to ensure smooth flow of water in Pachahua river. They also prayed for quashing of tender notice for repair of the

construction made in scape channel of the river..

There is no dispute that the work for repairing for which invitation for tender was issued has already been executed/completed. From paragraph nos. 9 and 10 of the writ petition, it appears that the grievance is of general nature as, according to the petitioners, if the height of the wall which the respondent intend to construct is increased, the land of several villagers shall inundated.

The grievance of such nature, in my view, should be raised before the authority for consideration and mitigation. Counsel for the petitioner states that appropriate representation in this regard will be filed before the respondent Engineer-in-chief, Water Resources Department, Bihar, Patna. This Court permits the petitioner to do so.

The application is disposed of. Needless to observe that if a representation within a reasonable time is filed, the concerned respondent shall examine the grievance of the petitioners and take remedial measures, if need be.

(Kishore Kumar Mandal, J)

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