

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6392 of 2010

=====

Ashok Kumar Chaubey S/O Ramjee Chaubey R/O Vill.- Hetampur, P.S.- Tiar
(Jagdishpur), Distt.- Bhojpur

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Rural Development Department, Govt. of Bihar
2. The Principal Secretary, Department Of Minor Irrigation, Govt. Of Bihar, Patna
3. The Divisional Commissioner, Patna Division, Patna
4. The District Magistrate, Bhojpur, Ara
5. The S.D.O., Jagdishpur, Distt.- Bhojpur
6. The Circle Officer, Jagdishpur, Bhojpur
7. The B.D.O., Jagdishpur, Bhojpur
8. The Secretary of Panchayat Samiti, East Hetampur, PS Tihar, Distt. Bhojpur
9. Sri Shyam Lal Singh, Member, Panchayat Samiti, East Hetampur, PS Tihar, Distt. Bhojpur

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Sheojee Mishra

For the Respondent/s : Mr. (GA6)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-02-2015

This case discloses the extent to which the institution of Public Interest Litigation is misused by certain interested persons.

The petitioner filed this Public Interest Litigation complaining that irrigation channel has been filled by certain unlawful persons thereby denying the irrigation facilities to hundreds of farmers and that the Authorities under the Revenue and Irrigation Department are not taking steps to restore the canal.

We passed detailed order on 9.12.2015 directing that in case the Authorities did not clear the obstruction, they shall be under obligation to appear before this Court.

The petitioner filed an affidavit on 16.2.2015 which

states as under :-

“That it is stated that in continuation with the statement made earlier in the writ application it is stated and submitted that the obstructions made by constructing soil road in free flow of main Karha from Sanahi More to Bhairav Tola in Jagdishpur Block which is about 956 meters in length has been cleared by way of JCB machine by the authorities of the District administration, Bhojpur and Jagdishpur Block in presence of the villagers and the petitioner.

That the grievance of the petitioner as raised in the writ application has been redressed.”

Thereafter nothing has ensued.

Today, when the matter is listed, learned counsel for the petitioner submits that his client has coerced him to file this affidavit. We are indeed surprised to hear that representation from the learned counsel. When the petitioner himself files an affidavit stating that the directions issued by this Court have been complied with and no affidavit to the contrary is filed, it is just not understandable as to how the learned counsel can argue otherwise.

We, therefore, dispose of this writ petition taking on record the affidavit filed by the petitioner.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

mrl

U			
---	--	--	--