

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19561 of 2011

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Sher Bahadur Singh Son Of Sri Keshav Ray Alias Sri Keshav Singh
Resident Of Village - Khoreya, P.S. - Kargahar (O.P. Sidi) , Anchal -
Kargahar, P.O. Ararua, District - Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar, Through the Chief Secretary Government of Bihar at Patna
2. The Principal Secretary, Water Resources Department, Government of Bihar at Patna
3. The Superintending Engineer Irrigation, Jalpath Anchal, Bhabhua, Kaimur
4. The Executive Engineer Irrigation, Sone Nahar Division, Dihri, District - Rohtas
5. The Sub-Divisional Officer Irrigation, Basawan (Basahi), P.S. - Kudra, District - Kaimur
6. The District Magistrate, Rohtas at Sasaram
7. The Deputy Collector Of Land Reforms, Sasaram (Dist.- Rohtas)
8. The Sub-Divisional Officer, Sasaram (Dist.- Rohtas)
9. The Sub-Divisional Police Officer, Sasaram (Dist.- Rohtas)
10. The Officer-In-Charge, Kargahar Police Station (Dist.- Rohtas)
11. The Anchaladhikai, Kargahar, District - Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal
Mr. Diwakar Upadhyaya
For the Respondent/s : Mr. Ajay SC-11

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 21-12-2015 Heard Mr. Agrawal for the petitioner and the counsel
for the State.

The present writ application has been filed in the individual as well as the representative capacity. It is stated that the villages Khoreya and Mangrusarai both fall under Kargahar Anchal in the district of Rohtas. The villagers irrigate their land(s)



from the nearby tributary of Sone Canal. In between the canal and the land(s) of the villagers there are government land(s) belonging to Irrigation Department. The petitioner like several other villagers used to irrigate their land(s) by constructing a channel from the Canal/tributary. The government subsequently settled the CHAT-land/adjoining to canal to other eligible persons. The settlees started creating problems in the flow of water. This gave rise to the present writ application. The petitioner has prayed for a direction to the State respondent to ensure that the present Paine/Karha should not be closed until alternative arrangement is made for irrigation of the land(s) of the petitioner and other co-villagers of those two villages.

Mr. Agrawal draws attention of the Court to section 22 of the Bihar Irrigation Act (for short 'the Act') as also Annexure-7 to the rejoinder which is a communication dated 01.12.2011 issued by the District Magistrate, Rohtas to the Executive Engineer, Water Resources Division, Dehri. It has been submitted on the strength of the said communication that the matter has been taken notice of by the Collector. Under section 22 of the Act, such matter can be raised before and considered by the District Collector. The matter is of public importance as several acres of land of the villagers shall be affected if the obstruction is not

stopped and an alternative arrangement for flow of water is not made. In his submission, the Collector has been conferred the jurisdiction to resolve such dispute.

Considering the said submission of the petitioner and after perusal of the materials on record, this Court is satisfied that the matter merits to be disposed of by directing the respondent Collector, Rohtas to enquire into the matter on an application to be filed in this regard by the petitioner or any other co-villagers of the two villages having land(s). If any such application is filed within three weeks, the respondent Collector shall appropriately examine/consider such grievance of the petitioner and dispose of the same or take remedial measures as quickly as possible preferably within five weeks therefrom.

(Kishore Kumar Mandal, J)

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