

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2065 of 2016

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Rahul Ranjan, Son of Dharmendra Kumar Akela, resident of Village- Lakhma Bigha, P.O- Bisai Bigha, P.S.- & Block- Parwalpur, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Public Health Engineering Department, Government of Bihar Patna.
2. The Principal Secretary Public Health Engineering Department, Government of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The Sub Divisional Officer, Public Health Sub-Division, Ekangar Sarai.
5. The Executive Engineer, Public Health Engineering Division, Hilsa.
6. The Circle Officer, Parwalpur, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Asha Verma, Advocate.
Mr. Amarendra Kumar Singh, Advocate.
For the Respondent/s : Mrs. Namrata Mishra, G.A.-6
Mrs. Archana Jha, A.C. to G.A.-6

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 11-11-2016

Heard learned counsel for the parties.

2. The petitioner has invoked the writ jurisdiction of this Court calling upon the respondents to construct Water Tower on the Gairmajarua Aam Land in Khata No. 356, Khesra No. 1887, Mauza- Chansanda, Thana No. 56, District- Nalanda. Such Water Tower is being constructed in pursuance of a decision taken by the State to ensure supply of safe drinking water to every villager.

3. It is pointed out that such site was selected on the



basis of an inquiry conducted by the Halka Karamchari, Circle Inspector and local Mukhiya but suddenly, Circle Officer, Parwalpur issued Land Availability Certificate declaring therein that the land pertaining to Mauza- Chausanda, Thana No. 56, Khata No. 356, Khesra No. 1839 is available for construction of Water Tower. The petitioner challenges the construction of Water Tower at such location.

4. In the counter affidavit filed on behalf of Respondent Nos. 3 to 6 it is stated that there is no resource of water near Plot No. 1887 like Submersible or hand pump whereas, there are four hand pumps near Plot No. 1839. The persons belonging to Scheduled Castes and Most Backward Class reside near Plot No. 1839, therefore, construction of Water Tower is more suitable near Plot No. 1839 whereas, the petitioner wants Water Tower on Plot No. 1887 in his own interest. Plot No. 1887 was not found suitable, so, proposal was made for construction of Water Tower on Plot No. 1839.

5. The issue in the present petition is location of Water Tower. The competent authority has decided to erect Water Tower on Plot No. 1839 instead of Plot No. 1887 which was being considered at one point of time. Since the Water Tower is being constructed in the village for the benefit of all the villagers, the location of Water Tower is a matter which falls within the exclusive jurisdiction of the experts.

6. We do not find that in exercise of power of judicial review we may substitute the decision of construction of Water Tower on Plot No. 1839.

7. We do not find any cause to interfere in the construction of Water Tower on Plot No. 1839. The writ application is, accordingly, dismissed.

(Hemant Gupta, ACJ)

(Ahsanuddin Amanullah, J)

P.K.P.

AFR/NAFR	A.F.R.
CAV DATE	N.A.
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