

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10831 of 2013

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1. Dinesh Rai Son Of Late Devi Rai Resident Of Village Hetanpur, Police Station Patauri Via Mahnar, District- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna
3. The Collector, Samastipur
4. The Chief Engineer, Water Resources Department, Government Of Bihar, Patna
5. The Executive Engineer, Gandak Project, Muzaffarpur
6. The S.D.O. Gandak Project Colony At Hawashpur Samastipur
7. The Circle Officer, Pattori, District Samastipur
8. The Junior Engineer, Gandak Project Hawaspur, District- Samastipur

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 31-03-2016 Heard learned counsel for the petitioner and the State.

Although on perusal of the writ application, it appears a public cause is being raised through the application filed under Article 226 of the Constitution of India which is not a Public Interest Litigation. The petitioner has land in the area where the respondent State is going to implement drainage scheme known as Tara Dhamaun Harpur Saidabad Link Channel in the District of Samastipur. The grievance of the petitioner is that this project was initiated several decades ago. Now it has lost its feasibility. If the project is undertaken and completed the large chunk of land of petitioner shall be inundated which may cause serious prejudice

to him. The State respondent, on the other hand, submits that on perusal of the pleadings it would appear that for the implementation of the project large tract of land was already acquired. The villagers are still in unauthorized occupation of the acquired land. The present writ petition is filed to justify such unauthorized possession/occupation of the land. Any such scheme is implemented in the larger public interest and cannot be objected by one individual.

On a perusal of the materials on record, in my view, the relief(s) prayed in this application should not be granted by this Court. Instead, the petitioner be granted liberty to ventilate his grievance before the authority/respondents for consideration. I am told the Chief Engineer, Water Resources Department, Govt. of Bihar (Respondent no.4) shall be the appropriate authority who can examine the grievance of the petitioner with respect to the utility of the project. In these factual background, this Court grants the said liberty. If any such application is filed, the said respondent shall bestow consideration on the said representation and take appropriate decision expeditiously in accordance with law.

(Kishore Kumar Mandal, J)

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