

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13844 of 2012

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Ram Narain Singh, son of Ram Udar Singh,
Resident of Village-Manpur Ratnawali,
Police Station –Runni Saidpur, District-Sitamarahi Petitioner
Versus

1. The State of Bihar through the Chief Secretary.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Sitamarahi.
5. The Engineer-in-Chief, Bagmati Project, Bihar.
6. The Rehabilitation Officer, Bagmati Project, Sitamarahi

Respondent/s

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Appearance :

For the Petitioner/s : Mr. V.R.P.Singh,
Mr.Mrityunjay Kumar
For the Respondent/s : Mr. Prabhat Kumar, A.C. to G.A.-2.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 07-01-2016 Heard Mr. V.R.P.Singh for the petitioner and the counsel
for the State.

A counter-affidavit has been filed on behalf of the State.
The petitioner has filed rejoinder thereto.

Precisely, the grievance of the petitioner is that construction of Baghmata Bandh was initiated in 1974. Bandh was constructed in phase I up to two kilometers North-West of the Village of the petitioner namely Manpur-Ratnawali in the District of Sitamarhi. The State Government further took steps for extension of the said Bandh up to ten kilometers. Annexure-2 dated 26.02.2007 is the communication in this regard made by the

Director, Land Accusation-cum-Rehabilitation, Water Resources Department, Government of Bihar, addressed to the Rehabilitation Officer, Sitamarhi.

Mr. Singh relied on this communication in order to contend that in course of extension of the Bandh the village of the petitioner has been affected and the petitioner and other villagers should therefore be rehabilitated in terms of the rehabilitation scheme of the Government. It is asserted that the petitioner and the other residents of some villages still reside in the said village which has now come in the bed of the Bandh/Canal. The prayer in this writ application is to direct the respondent to take steps for rehabilitation of the petitioner and other villagers/residents of village Manpur-Ratnawali and also to pay the compensation etc.

In the counter-affidavit filed on behalf of respondent no. 6 and affirmed by Rehabilitation Officer, Bagmati Project, Sitamarahi, the following has been stated in paragraph-12:-

“That statement made in paragraph 9 and 10 of the writ application are matter of record and require no comment. However it is made clear that in the departmental letter no. 512 dated 26.02.2007 (Annexure-2 of the writ application) the name of village Manpur Ratnawali has wrongly been included as the displaced persons of the said village

have been rehabilitated long back as stated above. On perusal of the advance survey report it was found that it contains name of 268 such persons and their family members who had already been rehabilitated.”

It thus appears that conflicting stand has been taken by the parties before this Court. In my view, the ends of justice shall be subserved if the petitioner is granted liberty to ventilate his grievance, as raised in this writ application, before the Principal Secretary, Water Resources Department, Government of Bihar, Patna (Respondent No.2). If any such representation is filed within four weeks, the said respondent shall cause appropriate enquiry, if necessary, to be made and thereafter take appropriate decision/action, if need be, in accordance with law, as quickly as possible, preferably within two months from the date of filing of such application/representation.

The application is disposed of.

(Kishore Kumar Mandal, J)

HR/-

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