

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13247 of 2015

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Ranju Devi Wife of Awadhesh Prasad Resident of Village - Kendua, P.S.
Hisua, District Nawada.

.... Petitioner

Versus

1. The State of Bihar.
2. The Collector, Nawada.
3. The Deputy Collector Land Reform, Nawada.
4. The Sub-Divisional Officer, Rajauli, Dist. Nawada.
5. The Superintendent of Police, Nawada.
6. The Deputy Superintendent of Police, Rajauli, Dist. Nawada.
7. The Block Development Officer, Hisua, Dist. Nawada.
8. The Circle Officer, Hisua, District Nawada.
9. The Block Development Officer, Meskaur, Dist. Nawada.
10. The Circle Officer, Meskaur, District Nawada.
11. The Executive Engineer, Minor Irrigation, Nawada.
12. The Assistant Engineer, Minor Irrigation, Hisua, District - Nawada.
13. Shankar Singh S/o Late Surajdeo Singh, Vill.- Repura, P.S.- Narhat (Sitamarhi), District- Nawada

.... Respondents

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Appearance :

For the Petitioner/s : Mr. S.K.Thakur, Adv.
Mr. Sheo Kumar Prasad, Adv.
For the Respondent/s : Mr. Ashok Kumar Keshri, AAG11
For the Intervener : Mr. Shivendra Kumar Sinha, Adv.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 15-02-2016 Heard Mr. S.K.Thakur, learned counsel for the petitioner,

and Mr. Ashok Kumar Keshri, learned AAG11, appearing on

behalf of the State- respondents. Heard also Mr. Shivendra Kumar

Sinha, learned counsel for the intervener-respondent No.13.

The petitioner is a villager of village Kendua in the district
of Nawadah. This Public Interest Litigation has been filed seeking

a direction to the respondents to remove the unauthorized obstruction caused by local people in free flow of water in the canal (pyne), namely, *Kendua- Meskaur Pyne*.

From the pleadings on record and the submissions advanced at the Bar, it appears that the grievance of the villagers of the said villages is that the villagers of *Repura* by causing obstruction on the Canal have deprived the villagers of the village *Kendua* from using the water of the canal for the purpose of irrigation.

An intervention petition has been filed by one Shankar Singh, who claims to be a villager of *Repura* to oppose the relief sought in the present application. It is stated and submitted on his behalf that no such obstruction has been caused by the villagers of *Repura*.

Apparently thus, there exists a dispute between the villagers of *Kendua* and *Repura* over use of water of the *Pyne* concerned for the purpose of irrigation. The controversy involves various disputed questions of fact, which cannot be adjudicated upon in the present proceeding under Article 226 of the Constitution of India, which has been filed in the nature of Public Interest Litigation.

This proceeding, accordingly, stands closed with an

observation that the petitioner or intervener- respondent, as the case may be, shall have the liberty to approach the appropriate forum, as may be permissible to them, under the law.

(I.A.Ansari,ACJ)

(Chakradhari Sharan Singh, J)

Surendra/-

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