

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23150 of 2013

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1. Akhileshwar Prasad Singh Son Of Late Ram Keshwar Singh Resident Of
Village And P.O. Dharaut, P.S. Mukhdumpur, District - Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar, Through Commissioner cum Secretary, Water Resources (Irrigation) Department, Government Of Bihar, Patna
2. The Commissioner cum Secretary, Water Resources (Irrigation) Department, Government of Bihar, Patna
3. The Collector, Jehanabad
4. The Chief Engineer, Water Resources (Irrigation) Department, Anishabad, Patna
5. The Superintending Engineer, Water Resources Circle, Gaya
6. The Executive Engineer, Water Resources Division, Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhushan Kumar

For the Respondent/s : Mr. Amish Kumar AC to AAG-14

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 18-07-2016 Heard learned counsel for the petitioner and Mr.
Amish Kumar AC to AAG-14 for the State.

The writ application prays for a direction upon the respondents to pay him adequate compensation for utilizing approximately 07 decimals of his raiyati land appertaining to khata no. 75(old), plot no. 3611(part), (550sq.ft.) and khata no. 338 (old), plot no. 3615 (2375 sq. ft.) situated in village Dharaut in the District of Jehanabad. It is stated that the respondents constructed south embankment of the canal on this land which has caused loss to the standing crops/trees and hence the

damage/compensation.

In para-14, it has been stated that the petitioner has not filed any writ petition previously against representation dated 15.10.2013. Mr. Kumar submitted that the petitioner had earlier filed a writ application precisely for the similar/identical relief(s). The writ application was directed to be placed along with the records of CWJC No. 10068 of 2013.

Looking to the records of the said case, it appears, the petitioner raised a grievance against digging of his land which is the subject matter of the present proceeding and also claimed damages for the standing crops/trees.

This Court, on a consideration of the submissions of the parties, disposed of the writ petition observing as under:-

“Seen thus, a serious dispute exists between the parties about the title as well as the actual loss, if any, sustained by the petitioner. The respondents have categorically stated that such digging of the land of the petitioner in plot no. 3615 was with the consent of the petitioner and when the respondents tried to refill the said part/portion of the land it was objected by the petitioner.

In the circumstances, no relief as prayed for in this writ application can be granted to the petitioner by invocation of extraordinary and discretionary writ jurisdiction of this Court leaving the petitioner to approach the appropriate forum/authority for redressal of his grievance.”

On the basis of the pleadings on record and after hearing both sides, I am of the considered view that the present writ application also merits to be disposed of in the terms in which CWJC No. 10068 of 2013 was disposed of.

I order accordingly.

(Kishore Kumar Mandal, J)

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