

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2346 of 2014

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Mritunjay Kumar Son of Late Sidh Nath Singh Resident of Village and
P.O.- Dharaut, Police Station- Makhdumpur, 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. Dhananjay Kumar Pandey

For the Respondent/s : Mr. Anil Kr.Sinha, GA-9

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 02-08-2016 Heard.

The writ application prays for a direction upon the respondents-State to compensate him for the damages caused by the respondents to the raiyati land of the petitioner, details whereof are stated in paragraph 1 of the writ petition.

A counter affidavit is filed on behalf of the respondent nos. 4 to 6.

It is stated that in the year 2013, the canal was re-designed by the Government and high embankment was to be raised/erected. This required a huge quantity of soil. The

respondent(s) have unauthorizedly excavated soil from the land of the petitioner causing loss to the standing crops of the petitioner.

In the counter affidavit, it has been stated that for restoration and strengthening work of Dharaut canal under Waterways Divisions, Jehanabad of Water Resources Department, Government of Bihar, huge quantity of soil was required. The work was executed through the agency. The soil was excavated by the concerned agency from the chat land of the canal which had been acquired by the Water Resources Department for the construction of the canal. At some places soil was excavated from the adjacent barren land of the villagers with their consent. However, the same did not damage any standing crops. The petitioner may raise a grievance of compensation, if any, against the executing agency as the cost incurred in excavation of soil was incorporated in the Project Report/DPR.

On going through the pleadings made in the writ petition as well as the statements made in the counter affidavit, in my view, several disputed questions are raised to be examined. In writ jurisdiction, it would be difficult for this Court to appreciate the evidence and record a finding. The petitioner, if

so advised, may raise a grievance as raised in the writ application before appropriate Forum/Authority in accordance with law.

The writ application is dismissed with the observations made above.

(Kishore Kumar Mandal, J)

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