

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25248 of 2013

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1. Suraj Kumar S/O Ram Nandan Singh R/V- Sonchari, P.S.- Parbalpur,
Distt.- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Chief Secretary, Government Of Bihar, Patna
2. The Collector Cum District Magistrate, Biharsharif, Nalanda
3. The D.C.L.R., Rajgir, Nalanda
4. The Executive Engineer, Irrigation Department, Parbalpur, Nalanda
5. The Circle Officer, Ven, Nalanda
6. The Officer In Charge, Ven Police Station, Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Pawan Kr. Mishra

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 19-07-2016 No one appears on behalf of the petitioner.

Heard the counsel for the State.

A counter affidavit is filed on behalf of the respondent
no. 4. No rejoinder thereto is filed.

The petitioner raises a grievance that in making
construction of the embankment called Jamindari Bund, the
respondent-Irrigation Department has encroached on the land of
the petitioner appertaining to Khata Nos. 144, 143. A prayer has
been made to demarcate the land of the petitioner and pay
compensation therefor.

In the counter affidavit, it has been stated that the
petitioner has not approached the Court with clean hands. The

Jamindari Bund existed since last several years on the land belonging to the State. Recently work was carried out for repair of the Bund/embankment. The petitioner and several villagers were found responsible for damaging the embankment and utilizing the land of the embankment for which a criminal case was lodged against the brother of the petitioner and others vide Ven P.S. Case No. 91 of 2013. The work on the embankment started in March 2009 and the same was completed in June 2009. The writ application has now been filed without detailing the relevant facts and or suppressing the relevant facts.

The Court would not record any finding on the case of the petitioner or the counter version of respondents-State. It is a matter which ought to have been agitated before the appropriate Forum/Authority in accordance with law. The writ application is disposed of enabling the petitioner to ventilate his grievance as raised in the writ application before the appropriate authority of the respondents-State for consideration and disposal in accordance with law.

I order accordingly.

(Kishore Kumar Mandal, J)

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