

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.120 of 2016

1. Swami Vivekanand @ Dr. Swami Vivekanand son of Sri Chandra Shekhar Prasad Yadav Resident of Mohalla - Awash Board, Police Station - Koshi College, Police Station - Muffasil Thana, District - Khagaria.

.... Petitioner

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur.
2. The Chief Engineer Construction (Ganga Bridge Munger), East Central Railway, Mahendru Ghat, Patna.
3. The Deputy Chief Engineer (Construction) Ganga Bridge Munger, Construction Department, East Central Railway, Mahendru Ghat, Patna.
4. The Chief Administrative Officer (Construction), East Central Railway, Mahendru Ghat, Patna.
5. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
6. The District Magistrate, Munger.
7. The District Magistrate, Begusarai.
8. The District Magistrate, Khagaria.
9. The District Land Acquisition Officer, Begusarai.
10. The District Land Acquisition Officer, Khagaria
11. The Sub-Divisional Officer, Begusarai.
12. The Sub-Divisional Officer, Khagaria.

.... Respondents

Appearance :

For the Petitioner/s : Mr. N. Hoda, Advocate
 Mr. Binay Kumar, Advocate
 For Respondents 1 to 4 : Mr. D.K. Sinha, Sr. Advocate
 Mr. Bijoy Kumar Sinha, Advocate
 Mr. A.K. Sinha, Advocate
 For the State : Mr. Ashok Kumar Keshari, AAG 11

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE.
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7 20-04-2016

The petitioner seeks a direction that the Rail-cum-Road bridge, constructed upon river Ganges, at Munger,



touching eastern boundary of Begusarai and southern boundary of Khagaria, is likely to cause erosion of nearby villages, change of the course of the river and destruction of lives and properties. The petitioner, therefore, seeks a *ring bandh* to be constructed around the bridge for safety and protection of lives and properties.

2. A counter affidavit has been filed, on behalf of the respondent No.6, dispelling the apprehensions raised by the petitioner. It has been submitted that no person of the area is either affected or has made any complaint. A counter affidavit has also been filed, on behalf of respondent Nos.7, 9 and 11, wherein it has been stated that the matter has been duly enquired into and no threat is posed to the villages and that the apprehension, that addition of pillars would occasion change of course, is misconceived.

3. A counter affidavit has also been filed, on behalf of respondent Nos. 1 to 4, as well, wherein it has been stated that the bridge has been constructed as per the study conducted by the Irrigation Research Institute, Roorkee, and no damage is foreseen on account of construction of additional four pillars. In paragraph 13 of the counter affidavit, the respondents have

detailed the chronology of safeguards undertaken by them *vis-à-vis* construction of additional four pillars.

4. In view of the statements made in the counter affidavits, we are satisfied that no case for issuing any *mandamus* in the matter has been made out by the petitioner at this stage. This writ application is, accordingly, dismissed with liberty given to the petitioner to approach this Court with appropriate petition, in future, if a situation arises.

(I.A. Ansari, ACJ)

(Samarendra Pratap Singh, J)

Md.Jamaluddin Khan

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