

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1976 of 2014

Mukesh Kumar Choudhary Son Of Sri Ramesh Choudhary Resident Of Village And Post- Dhanukhi (Chanpura), P.S.- Benipatti, District- Madhubani

.... Petitioner/s

Versus

- 1. The State Of Bihar through the Secretary, Cum Commissioner, Minor Irrigation Department, Government of Bihar, Patna
- 2. Executive Engineer (Lift Irrigation), Madhubani Division, Madhubani
- 3. Sub-Divisional Officer, Minor Irrigation Division, Madhubani

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. PURUSHOTTAM JHA

For the Respondent/s : Mr. SUBHASH PD. SINGH, G.A. 7

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 28-07-2016

Heard the counsel for the petitioner and the State.

Precisely, the grievance of the petitioner is that a very small tract of land measuring 02 katha of khata no. 79, plot no.480 has been forcibly utilized by the State respondent for providing lift irrigation facility. No compensation has been paid for the said use of the land.

In the counter affidavit, it is stated that having appreciated the usefulness of the lift irrigation facility, the father of the petitioner had permitted the construction thereof in the year 1982-1985. Some construction was made which existed since last 25 years. Recently, the respondents have undertaken the renovation of motor pump at the site against which the writ petition is filed.

Considering the rival contention of the parties, it is difficult for this Court to delve into the merit of the case and record findings. Recording the finding would necessarily mean appreciation of evidence.

The counsel for the petitioner states that diverse representation have

been made by him before the Executive Engineer of the department.

The writ application, in view of above, is disposed of permitting the petitioner to ventilate his grievance before the said respondent or before the District Collector for redressal of his grievance in accordance with law.

Needless to observe if any such representation is filed, the same shall receive due consideration and disposal by the concerned respondent in accordance with law as quickly as possible.

(Kishore Kumar Mandal, J)

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