

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13555 of 2017

=====

Binod Kumar Singh, S/o Late Mahendra Prasad Singh, Resident of Village + Post-
Maheshwara, P.S. Gaighat, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Disaster Management
Department, Bihar, Patna.
2. The Principal Secretary, Water Resources Development Department, Bihar,
Patna.
3. The District Magistrate, Muzaffarpur.
4. The Chief Engineer, Water Resources Development Department, Muzaffarpur.
5. The Block Development Officer, Gaighat, Muzaffarpur.
6. The Circle Officer, Gaighat, Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad, Advocate
Mr. Raju Kumar, Advocate

For the Respondent/s : Mr. Anjani Kumar, AAG-4
Mr. Amit Kumar Jha, AC to AAG-4

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 14-11-2017

In the matter of construction of an embankment on
river Bagmati inter alia contending that the work of construction has
been stalled and no action is being taken, the writ petition has been
filed.

From the counter affidavit filed by the State
Government, it is seen that in the matter of construction of
embankment, two groups have been created, one in favour of the
construction and the other opposing the construction on various
grounds.



Faced with the aforesaid situation, the counter affidavit filed by the State Government goes to show that a committee has been constituted to look into the matter and resolve the issue and, taking note of the nature of dispute, we are not inclined to exercise the extra jurisdiction under Article 226 of the Constitution in this PIL. The petitioner may take up the matter to the Administrative authority who shall resolve the issue after discussion. The issue involved in the matter cannot be agitated in a petition under Article 226 of the Constitution.

With the aforesaid observation, we dispose of the matter.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.11.2017
Transmission Date	NA

