

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20074 of 2014

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Gopalpur New Yatayat Swawlambi Sahkari Samiti Ltd. Tintanga Karari Bindoli, Anchal - Gopalpur, Sub-Division- Naugachia, District - Bhaalpur, Bihar, A Society registered under the Societies Registration Act, through its Secretary, Shailendra Kumar Yadav, son of Siyaram Yadav, resident of Bindtoli, P.S. - Gopalpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Water Resources Development Department, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Land Reform and Revenue Department, Government of Bihar, Old Secretariat, Patna.
4. The Commissioner, Bhagalpur Division, Bhagalpur.
5. The District Magistrate, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Mishra, Advocate
Mr. Angad Kunwar, Advocate

For the Respondent/s : Mr. S. D. Yadav, AAG-IX

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 17-01-2017

The petitioner has invoked the writ jurisdiction of this Court in public interest so as to provide ferry service on the Ganges for the residents of the area in the neighbourhood of *Tintanga Ghat* to the north of the Ganges by settling the public ferry.



In the counter affidavit of the District Magistrate, Bhagalpur, it has been pointed out that earlier settlement of ferry service was made in favour of the petitioner for a period of three years from July, 2004 to July, 2007 and thereafter a public notice was issued for settlement of the said service for a further period of three years. It is pointed out that an *Amin* conducted a survey and submitted a report finding sufficient water level on both banks of river Ganga and further mentioning therein about the existence of 16' depth water at *Mouza Jichhochak* of *Kahalgaon* Circle after which *Mouza Tintanga* of *Gopalpur* Circle begins. It has been mentioned that the ferry plies from *Jichhuchak* of *Kahalgaon* Circle where water is available within the area of 13' after which the area of *Tintanga Mouza* comes which falls under *Gopalpur* Circle. The *Amin* further reported that ferry station point and boundary changes with increase and decrease of water level. The report of the *Amin* further mentions that during rainy season the ferry stations at Ward No.07 of *Kahalgaon* Municipality and when the water level decreases the ferry stations at *Tintanga*.

It, thus, appears that ferry service is available where the depth of water admits the same. Therefore, no further orders are called for, more so, in a petition which is filed by ferry service provider which has a commercial interest in the ferry service.



Consequently, we dismiss the present writ petition.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Sunil

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	24.01.2017
Transmission Date	

