

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1003 of 2015

IN

Civil Writ Jurisdiction Case No. 1488 of 2015

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Ranjit Kumar son of Sri Vidyanand Singh, resident of village and P.S. Daniawan,
District - Patna

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna
3. The Collector, Patna.
4. The Deputy Development commissioner, Patna.
5. The District Fisheries Officer, Patna.
6. The Block Development Officer, Daniawan , District Patna.
7. The Circle Officer, Daniawan, District Patna
8. The Executive Engineer, L.A.E.O. works Division - I, Patna

.... Respondents

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Appearance :

For the Appellant : Mr. V.R.P.Singh, Advocate
Mr. Rajan, Advocate

For the Respondent State: Mr. Rishi Raj Sinha, S.C.-19
Mr. Akhilesh Kumar Sinha, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 02-08-2017

Heard counsel for the appellant and counsel for the
State. Perused the impugned order dated 13.03.2015.

The learned single Judge has rightly taken an objective
view of the matter keeping the actual ground reality with regard to
the so-called water body whose nature is sought to be changed by
construction of a Panchayat Bhawan.

From perusal of the materials on record in the writ



application, it seems that the Panchayat itself has taken a decision and such a decision has been acted upon after verifying the status of the so-called water body. The area, which is being used for the construction of Panchayat Bhawan, is also for a public purpose and since the water body is said to be in the area of 4.8 acres, only a fraction thereof in one portion, which does not alter the character of rest of the area, is being used for construction of the Panchayat Bhawan.

In view of the same there has to be a balancing of the two interests of the residents of the village. The Court is not inclined to interfere with the order of the learned single Judge especially when a clear and categorical affidavit is also filed on behalf of the District Magistrate stating the position.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

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