IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.245 of 2017

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1. Sukhalal Educational & Welfare Trust Situated at Ichahose, P.O. Ichahose, P.S. Islampur, District- Nalanda through its Director namely Ram Chandra Singh, Son of Late Sukhlal Singh, Resident of Village- Ichahose, P.O. Ichahose, P.S. Islampur, District Naland.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Bihar, Patna.
3. The Engineer-in-Chief, Water Resources Department, Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Gaya.
5. The District Magistrate cum Collector, Gaya.
6. The District Magistrate-cum-Collector, Jehanabad.
7. The Superintendent Engineer, Water Circle, Ghosi.
8. The Executive Engineer, Water Resources Department, Water Wages Division, Jehanabad.
9. The Executive Engineer, Water Resources Department, Water Wage Division, Gaya.
10. The Assistant Engineer, Water Ways Division, Jehanabad.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Fakhruddin Ali Ahmad, Advocate
For the State : Mr. Anjani Kumar- AAG-4
For CBI : Mr. Bipin Kumar, SC/CBI

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 05-07-2017

The petitioner has filed this writ petition in public interest and twin reliefs are claimed by the petitioner. The first relief

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is to open the seal gate/outlet from off take point of Muhane River situated at Falgu River near Gaya district and the second relief is to stop illegal mining in the sand reserves in the name of reviving/resurrection which, according to the petitioner, is going on since 1967.

So far as first relief is concerned, it is purely administrative and technical in nature, execution of which is to be undertaken by the State Government based on certain policies and expert advise and as this relief in this regard is not based upon any statutory or constitutional right available to the petitioner, finding it to be policy matter to be redressed exclusively by the administrative authorities, we grant liberty to the petitioner to take up the aforesaid with the authorities of the State Government as it is not appropriate to interfere into such issues of policy matter, Executive action, in a petition under Article 226 of the Constitution.

So far as the second issue is concerned, except for making vague allegation that illegally sand mining is going on in the area, there is nothing available on record to prima facie establish the aforesaid fact. Not even a single complaint with regard to the same has been made by the petitioner to the competent authority.

The manner in which the aforesaid relief is being sought on the basis of the pleadings made, we are not inclined to interfere in the matter. The remedy available to the petitioner is to re-agitate this

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issue separately in accordance with law by taking up the issue with the administrative authority and thereafter in a properly constituted writ petition with all details after conducting enquiry and investigation into the matter.

With the aforesaid liberty, we dispose of the matter.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2017
Transmission Date	

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