

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.9586 of 2017**

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1. Pramod Kumar, Son of Late Hari Prasad
  2. Bishambher Prasad, Son of basudeo Mahto.
  3. Ajit Kumar, Son of Yadunandan Singh.
  4. Satyendra Prasad Son of Late Ram Prasad Mahto. All Resident of Village-Abdulhai Chak, P.S. Rahu P.O. Sonsa, District-Nalanda.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Water Resources development Department, through its Principal Secretary, Bihar, Patna.
3. Jaideo Prasad, Executive Engineer, Nalanda Minor Irrigation Department, Govt. of Bihar, Patna.
4. The Commissioner Patna Division, Patna.
5. The District Migistrate, Nalanda.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. R. K. Rajan, Advocate

For the Respondent/s : Mr. Anjani Kumar-AAG4

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

ORAL JUDGMENT

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 09-08-2017**

In this petition filed in public interest, petitioner wants a command issued to the respondents restraining them from constructing an embankment on the northern side of river Panchane in Rahui Anchal of district Nalanda.

Apart from the fact that the question of construction of embankment on a river is a policy matter, to be considered and decided by the experts based on the expert opinion and in the



absence of any statutory rule or regulation shown to be violated, in such matters, we see no reason to make indulgence exercising extraordinary jurisdiction under Article 226 of the Constitution.

However, we grant liberty to the petitioners to take up the issue with the statutory authorities of the State Government. In case the authorities find that the question of violation of environmental event involved, liberty, if any available under law, shall be available to the petitioner to approach the National Greens Tribunal for Redressal of their grievances.

With the aforesaid observations and directions, this application is disposed of.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

K.C.jha/-

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