

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15202 of 2017

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Md. Izhar Alam Alias Izhar Modi, Advocate Supreme Court of India Son of Late Md. Abdul Rafique resident of village Rafique Market, Madarsa Road, Madanpur Bazar, P.S. Araria, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary of Bihar, Bailey Road, Patna.
2. Home Commissioner, Bihar, Bailey Road, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate, Araria.
5. The District Magistrate, Purnia.
6. The District Magistrate, Katihar.
7. The District Magistrate, Kishanganj.
8. The Union of India, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-07-2018

Petitioner has filed this Public Interest Litigation and the grievance of the petitioner is that in dams constructed and situated in the territory of Nepal the gates of the dams are opened without giving intimation to the border States like the State of Bihar, as a result flooding takes place in the State of Bihar.

Seeking a mandamus to the Government of Nepal and a guideline to the Government of Nepal for opening and closing of the gates and to prevent flooding, this Public Interest



Litigation has been filed under Article 226 and 227 of the Constitution of India.

The issue involved in the matter is an issue pertaining to agreement executed between two countries and in international dispute in the matter of operating of the dams in a different country, a country situated beyond the territorial jurisdiction of this Court, we have no extra territorial jurisdiction to issue any mandamus to a foreign country of the nature sought for.

Granting liberty to the petitioner to take up the issue with the competent Ministry or departments of the Government of India, we dispose of the matter.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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