

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.139 of 2018

In

Civil Writ Jurisdiction Case No. 3987 of 2014

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1. Jawahar Prasad, S/o Late Raghubir Prasad, Resident of Village-Gajjobagh, P.S.- Telhara, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The Joint Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Chief Engineer-4, Rural Works Department, Govt. of Bihar, Patna.
4. The Executive Engineer, Rural Works Department, Works Division-2, Hilsa (Nalanda).
5. The Assistant Engineer, Rural Works Department, Ekangarsarai, District-Nalanda.
6. The Junior Engineer, Rural Works Department, Ekangarsarai, District-Nalanda.
7. The District Magistrate cum Collector Nalanda.
8. The Sub-Divisional Officer, Hilsa, District- Nalanda.
9. The Superintendent of Police, District- Nalanda.
10. Awadh Kishore Prasad, S/o Late Sri Ram Prasad,
11. Umesh Lal, S/o Late Nasib Lal,
12. Satish Prasad, S/o Sri Baleshwar Prasad,
13. Surendra Prasad Singh, S/o Late Ramashray Prasad, Respondent no.10 to 13 are resident of Village- Ghana Bigha, P.S.- Ekangarsarai (Telhara), District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Respondent/s : Mr. Ajay - GA 5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

and

HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA)

2 31-01-2018

Heard the learned counsel for the petitioner as well as

learned counsel for the State.

This modification application has been filed for



modifying the order dated 24.07.2014 passed in CWJC No.3987 of 2014.

The said writ application was filed against the Rural Works Department, Works Division, Hilsa, Nalanda that certain portions of *Pyne* existing in the area to the length of the road built by the Department has encroached over the *Pyne* used for irrigation purpose by the villagers. A report was called for by the Court from the Circle Officer, Ekangarsarai which reveals that there is encroachment over some portion of the *Pyne* by the metallic road. Considering the fact of the report regarding encroachment over the *Pyne*, the Court, by order dated 24.07.2014 directed to restore the *Pyne* to its original width.

Now the petitioner seeks modification in the order dated 24.07.2014. The entire application does not indicate that what modification is required in the said order. The order is explicit. There is no ambiguity in it. It is also admitted position that M.J.C. No.3952 of 2014 is still subjudice for implementation of the first order passed by this Court and the petitioner has also filed Civil Review No.294 of 2014 for reviewing the order dated 24.07.2014 and that is also pending before the said Court.

In our considered view, we find that no modification is required in order dated 24.07.2014 and we do not express any



view over the matter already pending before another Court in
M.J.C. No.3952 of 2014.

Accordingly, this modification application stands
dismissed.

(Prabhat Kumar Jha, J)

(Arun Kumar, J)

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