

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7368 of 2017

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Subodh Kumar, son of Late Yadunandan Prasad, Resident of Village and Post-
Abjuganj, P.S.- Sultanganj, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
3. The District Magistrate, Bhagalpur.
4. The Sub Divisional Officer, Bhagalpur.
5. The District Fishery Officer, Fishery Department, Bhagalpur.
6. The Circle Officer, Sultanganj Anchal, District- Bhagalpur.
7. The Block Development Officer, Sultanganj Block, District- Bhagalpur.
8. Manorama Devi, Wife of Sri Shankar Sah, Resident of At and P.O.- Abjuganj, P.S.- Sultanganj, District- Bhagalpur (presently Mukhiya Gram Panchayat Abjuganj).
9. Juhi Devi, Wife of Sri Rakesh Sah, Resident of At and P.O.- Abjuganj, P.S.- Sultanganj, District- Bhagalpur (Ex- Mukhiya Gram Panchayat Abjuganj), Bhattachak, P.S.- Amarpur, District- Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha, Advocate
For the Respondent/s : Mr. AJAY, GA-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 16-04-2018

The petitioner in the present public interest litigation is seeking a writ of mandamus commanding the respondents to restrain the Mukhia or any person who is constructing building on the land earmarked for ponds after filling up the same as according to the petitioner, the land is belonging to the Government of Bihar and the same is being used by the villagers for the purpose of irrigation, cattle drinking water etc.

2. As directed by this Court, a counter affidavit has been filed on behalf of the respondent no.2, the Divisional Commissioner, Bhagalpur Division, Bhagalpur, and other authorities of the State who



have been impleaded as respondent nos.2 to 4, 6 and 7 in the present writ application. It is their stand that in the meeting of the Gram Sabha of the Abuganj Panchayat held on 28.10.2013, a resolution was passed to construct Panchayat Level Bharat Nirman Rajiv Gandhi Seva Kendra under Mahatma Gandhi National Rural Employment Guarantee Scheme on the Bhinda of the pond after observing all formalities and technical sanction. It is stated that the building in question has been constructed on the 'Bhinda' of the Pokhar without disturbing the villagers for use of the Pokhar like irrigation, cattle drinking water and any other purpose. It is also the stand of the respondents that the construction has been made for public purpose and not for personal use of any person.

3. In view of the stand taken by the respondents, as stated in their counter affidavit, we are not inclined to entertain this application as no public interest seems to be present in obstructing the construction of the building without disturbing the facilities such as irrigation, cattle drinking water and any other purpose.

4. The writ application is dismissed accordingly.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	
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