

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11171 of 2019

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Ali Hussain Siddique sex- male aged about 71 years, Son of Late Amzad Hussain, Resident of Village-Brindavan Tola Takia, P.S. Uchakagaon District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the 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, Siwan.
5. The Executive Engineer, Drainage Department, Gandak Colony, Siwan.
6. The Executive Engineer, Saran Canal Division, Gandak Project, Gopalganj.
7. The Superintending Engineer, Water Resources Circle, Saran Canal Division, Gandak Project, Siwan.
8. The District Magistrate, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Adv.
For the Respondent/s : Mr. Deepak Sahay Jamuar, AC to AAG-4.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 29-07-2019

Heard Mr. Satish Kumar Sinha, learned counsel
appearing for the petitioner and Mr. Deepak Sahay Jamuar, learned
AC to AAG-4.

The complaint of the petitioner is that it is because
following a decision taken for construction of a link channel at RD
89 of the Saran Main Canal under the Gandak Project in the
district of Saran that several villages including Fatahan, Basdila,



Banjari, Shahbajwan, Harbansa etc. are facing water logging leading to destruction of life, property and crops.

According to Mr. Sinha, a conscious decision was taken by the Chief Engineer, Water Resources Department, Siwan, respondent no. 4 herein, in consideration of the situation for construction of the Canal to save these villagers from destruction due to water logging as manifest from the order present at Annexure-3 which is a copy of the proceeding in Case No. 7 of 2014 registered on taking notice of the grievance raised in this regard but the directions present in the order of the Chief Engineer to the concerned Executive Engineers has remained on paper only for neither any follow up action has been taken by the concerned Executive Engineer nor the Chief Engineer, respondent no. 4 has bothered to ensure that his directions are complied and hence this writ petition.

Having considered the submission advanced by Mr. Sinha, on behalf of the petitioner on 15.07.2019, we had allowed time to learned State counsel to seek instruction on the grievance raised more particularly in view of the Monsoon onset, however when taken up today after two weeks gap that Mr. Deepak Sahay Jamuar, learned AC to AAG-4 informs that no instructions have been received. We are not willing to give any further time rather



bearing note of the decision already taken for construction of the Canal as present in Case No. 7 of 2014 as well as direction issued thereunder, we for the present, direct the respondent no. 4, the Chief Engineer to ensure that his directions are complied by the concerned authority within the shortest possible time. Since we are not posted with the current status of the matter and whether any action has been taken in construction of such Canal, we grant the concerned respondents i.e. respondent nos. 4 to 6 three months time to complete the process and in case the same is not completed within such time for the reasons beyond control, the concerned respondent would be at liberty to move this Court for extension of time but let the action begin.

With the observations and directions above, we dispose of the writ petition.

(Jyoti Saran, J)

(Partha Sarthy, J)

Anjula/Surendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06-08-2019
Transmission Date	NA

