

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18038 of 2019

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Balram Mehata S/o Prithwi Chandra Mehata, resident of village- Dharhara
Tola, Ward No. 8, P.S.- Chousa, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Department (P.H.E.D.), Bihar, Patna.
2. The District Magistrate, Madhepura
3. The Sub-Divisional Officer, Udakishunganj, District- Madhepura
4. The Block Development Officer, Chousa, District- Madhepura
5. The Circle Officer, Chousa, District- Madhepura
6. The Executive Engineer, Public Health Engineering Department (P.H.E.D.), Madhepura.
7. The Mukhiya, Gram Panchayat Raj Rasalpur Dhuriya, P.S.- Chousa, District- Madhepura.
8. Ramanand Mehta S/o Late Harihar Mehta, resident of village- Dharhara, P.S.- Chousa, District- Madhepura.
9. Ramdayal Singh S/o Deep Narayan Singh, resident of village- Dharhara, P.S.- Chousa, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.
For the Respondent/s : Mr.S. Raza Ahmad (AAG 5)
Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

2 03-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, grievance has been raised by
the petitioner that the water tower under the programme of
providing clean water to every house has been sanctioned to be



constructed over the land at Ward no.8 where Anganwari Kendra is standing is the land of State of Bihar but Sri Ram Chandra Mehta, who has been appointed as contractor to construct the water tower, wants to construct the same on another place in order to grab the rest portion of land of Anganwari Kendra. When the State authority has earmarked particulars land for construction of water tower over the land of State of Bihar, in such circumstance, the contractor does not have a jurisdiction to shift the venue of construction of water tower, it is beyond the jurisdiction of the contractor to construct the water tower at different plot of land.

3. From the record it appears that Ward member and other villager have made a complaint to the District Magistrate, Madhepura in this regard, but the counsel for the petitioner submits that still the contractor wants to construct the water tower at the another place. Already a complaint is lying with the District Magistrate, Madhepura, who will enquire into the matter and ensure the construction of the water tower at the assigned place identified by the State authority. If the land is under encroachment, the Circle Officer is the competent authority, who will initiate a proceeding and after giving notice to the person concerned, will remove the encroachment and he



will make available the land for construction of water tower.
The entire process should be completed within a period of four months.

4. In the meantime, till the matter is resolved, the construction of the water tower is stayed.

5. Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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