

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2798 of 2020

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Sushil Kumar, Son of Maksudan Kamat, Resident of Village- Bathnaha, P.S.-
Ghoghardiha,P.O.- Belha District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Through, The Chief Secretary, Water Resources Department, Govt. of Bihar, Patna.
2. The Additional Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer -in-Chief (North), Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Flood Control, Water Resources Department, Samastipur
5. The Superintending Engineer, Flood Control Circle, Water Resources Department, Darbhanga
6. The Executive Engineer, Flood Control Division-I, Jhanjharpur.
7. The District Magistrate, Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav, Advocate
For the Respondent/s : Mr.Anjani Kumar (AAG 4)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2020

Petitioner has prayed for the following relief(s):



“For issuance of a writ, in the nature of Mandamus and/or any other appropriate writ, order or direction, commanding upon the respondents to construct Ring Bandh surrounding Kalipur Tola of village Islampur under Gram Panchayat Brahampura Bathnaha, Block-Ghoghardiha, District Madhubani, so as to the residents the aforesaid Kalipur Tola may be saved from the devastating flood of the river Bhutahi Balan.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation which the petitioner shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

Petition is disposed of with the direction to the respondent no. 2, namely The Additional Secretary, Water Resources, Government of Bihar, Patna to consider and dispose it



of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

It is clarified that the proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action.



We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.12.2020
Transmission Date	

