

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15524 of 2018

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Jhaman Ray Son of Babulal Ray Resident of Village-Maharani Ugrasain
Pacchim Tola, P.S.-Mohammadpur, District-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Rural Works Department,
Government of Bihar, Patna.
2. The District Magistrate, Gopalganj
3. The Additional Collector, Gopalganj
4. The Sub-Divisional Officer cum Sub-Divisional Magistrate, Sadar,
Gopalganj
5. The Executive Engineer, Rural Works Department, Gopalganj
6. The Circle Officer, Baikantapur Block, District Gopalganj
7. The Officer-In-Charge, Mohammadpur Police Station District Gopalganj
8. Birendra Rai Son of Late Gopal Rai
9. Dharmendra Rai Son of Late Gopal Rai
10. Raghunath Rai Son of Late Gopal Rai
11. Baidhnath Rai Son of Late Gopal Rai All Resident of Village-Maharani
Ugrassain Pacchim Tola, P.S. Mohammadpur, District Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam
For the Respondent/s : Mr.Pushkar Narain Shahi- Aag6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 04.08.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief:



“(A) For issuance of an appropriate writ/writs, order/orders direction/directions commanding an directing upon the State respondents to take appropriate legal action against the private respondents who have forcibly filled up point of culvert (a tunnel carrying a stream or open drain under a road) with soil situated in village Maharani from N.H. 28 Gopalpur to Maharani Rajapatti Chapra Main Road falling within Baikunthpur Block of District Gopalganj by the militant person with the collusion of state respondents causing obstruction in free flowing water.

(B) For issuance of an appropriate writ/s, order/s, direction/s to the State respondents to make alternative arrangement/restore the physical structure of culvert in order to free flowing under and avoid from the problem of water logging arisen out of blockage of the point culvert by filling up soil by the private respondents.

(C) For any other relief/s for which the petitioner is found entitled in the opinion of this court.”

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



making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

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.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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