

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4114 of 2020

Shankar Singh, Son of Late Surajdeo Singh, Resident of Village- Repura,
P.S.- Narhat (Sitamarhi), District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate Nawada.
3. The Deputy Collector Land Reforms, Nawada.
4. The Sub Divisional Officer Rajauli, District- Nawada.
5. The Superintendent of Police Nawada.
6. The Deputy Superintendent of Police Rajauli, District- Nawada.
7. The Block Development Officer Hisua, District- Nawada.
8. The Block Development Officer Meskaur, District- Nawada.
9. The Circle Officer Hisua, District- Nawada.
10. The Circle Officer Meskaur, District- Nawada.
11. The Executive Engineer Minor Irrigation Division, Nawada.
12. The Assistant Engineer Minor Irrigation, Hisua, District- Nawada.
13. Ranju Devi Wife of Shri Awdhesh Prasad Ward Member, Ward No. 04, Village- Kendua, P.S.- Hisua, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raghubir Chandrayan, Advocate Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Ajit Kumar (GA-9)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-02-2020

The petition filed on 22.02.2020 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 reliefs:

“(i) For issuance of an appropriate Writ in the nature of certiorari for quashing the order dated 30th July, 2019 passed by the District Magistrate, Nawada in Case No. 51(M) of 2016 by which direction has been given to the Executive Engineer, Irrigation Division, Nawada that by doing technical verification of the construction of the Pyne, necessary steps should be taken to remove or shorten the height of the said construction so that both the villagers could be benefited and if the same is not possible then a mechanical Gate to be fixed and an estimate to that effect be sent to the department so that equal distribution of water could be done by the respondents in both the villages and thereafter drop the proceedings.

(ii) For issuance of an appropriate writ holding and declaring the aforesaid impugned order dated 30th of July 2019 to be contrary to the materials on record and further to hold and declare that any change in the structure of the existing Chhilka in Repura Baijnathpur Pyne would defeat the purpose for which it was constructed and the agricultural activities in the region for the purposes for which aforesaid construction was made long back ago would be destroyed and the villagers would suffer irreparable loss and damage.”



Finding the Court not to be in favour of the submissions made at the Bar, learned counsel for the petitioner submits that petitioner shall be content if he is allowed to again approach the District Magistrate pointing out the grievances with regard to free flow of water for irrigation purposes to the village in question.

Permission granted, for we do not find any reason to interfere with the order dated 30th of July, 2019 passed by the District Magistrate, Nawada in Case No. 51(M) of 2016, but we hope and expect that the writ-petitioner shall be heard and his view examined dispassionately.

With the aforesaid observation, present petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./-Utkarsh

AFR/NAFR	
CAV DATE	
Uploading Date	27.02.2020
Transmission Date	

