

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13327 of 2018

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Bhola Prasad Singh son of Late Kashi Prasad Singh, resident of Village- Sarmera, P.O. and P.S.- Sarmera, Anchal- Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Water Resources, Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The District Magistrate, Nalanda at Biharsharif.
5. The Executive Engineer, Flood Control Division, Bakhtiarpur District- Patna.
6. The Additional Collector-cum Zila Lok Shikayat Nivaran Padadhikari, Nalanda at Biharsharif.
7. Anchal Adhikari, Sarmera, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Advocate
For the Respondent/s : Mr.Vinay Kriti Singh- GA-2

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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 11.07.2018 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:

“For issuance of an appropriate writ in the nature of
mandamus commanding the responsible respondents
for a direction to remove the encroachment from the
PAINE (NAHAR) of Sarmera Thana No. 82, situated



at Village- Sarmera, P.S.- Sarmera, District- Nalanda, from the villagers of villages i.e. Sarmera, Chuharchak, Beldari, Baserh Tar, Chhoti Misian, those have forcefully encroached the Paine of Sarmera Thana No. 82, whose total encroached area is about 5 Kilometer from which Irrigation into 1000 acres land have been affected and water flow from the land have been stopped due to which in rainy season the people of the locality have been facing flood and also for a direction to dig the Paine to make it smooth flow of the watered and further for an enquiry for taking necessary legal action those have misappropriated Rs. About 20 crore without any work which was allotted for renovation work of the PAINE and KHATTA of Sarmera Thana N. 82 in the district of Nalanda.”

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)

P.K.P./-

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