

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5528 of 2020

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Anant Lal Yadav son of Late Jivachh Yadav resident of Village and P.O. and P.S.- Phulparas, District- Madhubani, at present resident of Mohalla Kabraghat, Police Station- L.N.M.U, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Water Resources, Sinchai Bhawan, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Water Resources, Sinchai Bhawan, Government of Bihar, Patna.
3. The Engineer-in- Chief, Department of Water Resources, Sinchai Bhawan, Government of Bihar, Patna.
4. The Chief Engineer, Department of Water Resources, Government of Bihar, Samastipur.
5. The Superintending Engineer, Department of Water Resources (Flood Control), Government of Bihar, Darbhanga.
6. The Executive Engineer, Department of Water Resources, Flood Control Division- II, Jhanjharpur, District- Madhubani.
7. The Union of India through the General Manager, East Central Railway, Hajipur.
8. The Divisional Railway Manager, East Central Railway, Samastipur Division, Samastipur.

... .. Respondent/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr.Madhu Prasun
For the Respondent/s : Mr.Anjani Kumar (Aag4)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-12-2020

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



(i) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondents to reconstruct Western embankment from village- Dhausahi to village- Parsa in the Blocks Phulparas and Ghoghardiha respectively which was earlier constructed on the old course-3 of River Bhutahi Balan near about in the year 1975-76 and subsequently in the year near about 1985 the said river changed its course about three kilometer east wards making the earlier embankment of no protective use and value due to which a large number of population suffer from flood every year.

(ii) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondents to extend the eastern embankment from village Ram Nagar to village- Parsa in the Blocks Phulparas and Ghoghardiha respectively only after reconstruction of the western embankment otherwise in between the old western embankment and the proposed eastern embankment a population of nearly 20,000 will have to suffer from deep and high water flood in order to save a population of only 5000/-.

(iii) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondents to first implement and executive the rehabilitation of the population residing between the old western embankment and the proposed extension of eastern embankment, who are likely to be badly affected by the deep and high water flood which may occur due to the said extension of eastern embankment.

(iv) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondents to ensure the protection of Railway Track passing in between the old western embankment and the proposed extension of eastern embankment is at about 4 Kilometers, which is also likely to be affected due to possible high and deep flood in case the eastern embankment is extended without reconstruction of the western embankment."

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).

State has no objection to the same.

As such, petition is disposed of in the following terms:

The petitioner shall file a representation before the authority concerned within a period of eight weeks.

The concerned respondent is directed to consider and decide such representation expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

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 be afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises 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)

(S. Kumar, J)

veena/rrajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

