

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5672 of 2020

Nand Kishore Singh, male aged about 77 years Son of Late Rup Narayan Singh Resident of Village- Bahilwara @ Garha, P.S.- Runni Saidpur, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer (Planning, Monitoring and Underground), Minor Water Resources Department, Bihar, Patna.
4. The Superintending Engineer, Minor Water Resources Circle, Sitamarhi.
5. The Executive Engineer, Minor Water Resources Division, Sitamarhi.
6. The Collector, Sitamarhi.
7. The Circle Officer, Runni Saidpur, District- Sitamarhi.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh, Adv
For the Respondent/s : Mr.Vikash Kumar SC 11

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 20-05-2020

This matter has been taken up for hearing through video conference. Learned counsel for the petitioner undertakes that all defects shall be removed without delay immediately after the present lockdown ends, and in any event within one month thereof. Learned counsel for the respondents states that he has no objection if the defects are removed as proposed and the matter be taken up on merits in view of the stated urgency.

2. The present writ petition has been filed *“for a direction*



to the respondents not to dig the land (pond) of the petitioner in the name of ground water recharge/irrigation scheme under "Jal Jeewan Hariyali Abhiyan" of the State of Bihar and/or to desist from any excavation/construction work in the land of the petitioner and his co-sharers under the said campaign (abhiyan)"

3. The short facts of the case according to the petitioner are that C.S.P. No. 234 was a pond recorded as '*Gairmajarua Pokhar*'. C.S.P. No.233 was recorded as "*Bakast Malikan Majkoor*". Both were in possession of the Ex-Zamindar Sridhar Narayan Singh and others. During Revisional Survey Operation, R.S.P. No.724 was carved out from C.S.P. No.234 and 233, and R.S.P. No.772 was carved out from C.S.P. No.233. The Revisional Survey Plots were, however, wrongly recorded under khata No. 770 as '*Gairmazarua Bihar Sarkar*'. The petitioner is the grandson of the said Sridhar Narayan Singh and as such he has right and interest in the said land.

4. Mr. Vaidehi Raman Prasad Singh, learned counsel for the petitioner states that the respondents are taking action for renovation of the pond in R.S.P. No. 724 for the purpose of ground water recharge/irrigation under a scheme named "*Jal Jeewan Hariyali Abhiyan*", a campaign started by the State of Bihar for renovation of depleted source of ground water. It is submitted that the land in question is the private land of the



petitioner and was never settled by the revenue authorities in the past. It is further stated that the petitioner has filed Case No. 176/1989-90 before the Consolidation Officer, Runni Saidpur for correction of *khatiyān* with respect to R.S.P. Nos. 724 and 772 in the name of the petitioner, in which order dated 23.09.1991 was passed for recording R.S.P. Nos. 724 and 772 in the name of the petitioner and his co-sharers after deleting the name of Bihar Sarkar and for making necessary correction in the relevant records. Pursuant thereto, the petitioner has filed an application before the Circle Officer, Runni Saidpur for fixation of rent, but the matter is pending.

5. Mr. Vikash Kumar, learned Standing Counsel-11 appearing on behalf of the State submits that instructions in the matter are required in order to respond to the claim of the petitioner. However, he assures that if any application has been filed by the petitioner before the Circle Officer which remains pending, the same shall be disposed of expeditiously and without any undue delay.

6. Having heard the parties and considering the nature of grievance of the petitioner, this Court is of the view that the ends of justice will be met by directing the Circle Officer, Runni Saidpur, District Sitamarhi (respondent no. 7) to consider and dispose of the application said to have been filed by the petitioner, if still pending, on its own merits in accordance



with law and after grant of an opportunity of hearing to the petitioner, within one week hereof.

7. It is made clear that in view of the ongoing lockdown and Covid-19 pandemic, the concerned authority shall be at liberty to hear the petitioner through video conference and any correspondence between the parties may be made through email. To enable the same, the petitioner undertakes to furnish his mobile number and e-mail ID, together with a copy of the application claimed to have been filed by the petitioner along with details of its filing, to learned Standing Counsel-11 not later than by tomorrow, i.e. 21.05.2020, for its onward transmission to the concerned authority.

8. It is expected that the respondents shall refrain from proceeding with the execution of work until disposal of the application by the Circle Officer, as aforesaid. The petitioner shall co-operate for early disposal of the matter.

9. The writ petition stands disposed of with the aforesaid observations and directions.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	20.05.2020
Transmission Date	-

