

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6190 of 2020

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Mahesh Prasad Yadav , aged about 57 years, Male, Son of Dhanpati Yadav
Resident of Ward No. 02, At-Akouna, P.O.-Akouna, Harpur, P.S.-Sindhia,
District-Samastipur.

... .. Petitioner

Versus

1. The Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Government of Land Revenue Reforms,
Government of Bihar, Patna.
3. The Principal Secretary of the Rural Development Government of Bihar,
Patna.
4. The District Magistrate, Samastipur,
5. The Officer in Charge, Sindhia Police Station, District-Samastipur.
6. The Programme Officer, Sindhia Block, District-Samastipur.
7. The Circle Officer, Sindhia Circle, District Samastipur.
8. Mukundev Yadav, S/o Late Ramji Yadav, Resident of Village-Akouna, P.S.-
Sindhia District-Samastipur.
9. Raju Kumar Yadav S/o Shi Makundev Yadav, Resident of Village- Akouna,
P.S.- Sindhia District-Samastipur.

... .. Respondents

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Appearance:

For the Petitioner : Mr.Karandeep Kumar, Advocate
For the Respondents : Mr. Fakruddin Ali Ahmad, AC to AAG 12

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 12-06-2020

This matter has been taken up for hearing through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately after the lockdown ends, and in any event within one month thereof. Learned counsel for the respondents states that he has no objection in this regard



and the matter be taken up on merits in view of the stated urgency.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition --

"i) For directing the respondent authority to remove encroachment over the water bodies on Government land appertaining to Khata No. 467, Khesra No. 249, having an area of 21 decimal, Thana No. 123 situated at Mauza Rampur Bahor, Village Akouna, Anchal Sindhia District Samastipur;

ii) Also for directing the respondents to remove encroachment in pursuant to letter no. 05 dated 03.02.2020 issued under the signature of the Programme Officer, Sindhia over the water bodies in question whereby and whereunder the Programme Officer, Sindhia has requested the Circle Officer, Singhia for removal of encroachment over the water bodies in question and demarcating the same for the purpose of rejuvenation under Jal-Jiwan-Hariyali Scheme;

iii) Also for directing the respondents to consider the representation submitted by the petitioner on 18.05.2020 before the respondent no. ;

iv) And for any other relief(s) for which the petitioner is found to be entitled in view of the facts and circumstances of the case."

3. Learned counsel for the petitioner submits that the private respondent nos. 8 and 9 have encroached upon the water body of Government land appertaining to Khata No. 467, Khesra No. 249, Thana No. 123, having an area of 21 decimal situated at Mauza Rampur Bahor, Village



Akouna, Anchal Sindhia District Samastipur which has been recorded as 'Anabad Sarvasadharan and Anabad Bihar Sarkar' in the Revenue record of Bihar Government and is maintained and controlled by the Government of Bihar. The petitioner along with other villagers have filed a public petition before the District Magistrate, Samastipur on 15.10.2019, upon which a report of Revenue Karmchari has been submitted on 14.12.2019 noticing the fact of encroachment over the water body, but no action appears to have taken by the authorities and the said water body continues to remain encroached. It is further stated that a public interest litigation bearing CWJC No. 9692 of 2015 (Rampunit Chaudhary vs. The State of Bihar & Ors.) has been filed for removal of the encroachment over the water bodies and maintenance of water bodies situated within the State of Bihar.

4. Learned counsel for the State appears and has been heard.

5. Having regard to the nature of the grievance of the petitioner, this Court is of the view that in the ends of justice, it will suffice by directing the District Magistrate, Samastipur to consider and dispose of the petitioner's representation dated 15.10.2019 (Annexure-2), if still pending, in accordance with law, after grant of an opportunity of hearing to the petitioner, within a period of three weeks from today.

6. It is also made clear that in view of the ongoing lockdown and Covid-19 pandemic, any correspondence between the parties may be made through email and that the concerned authority shall be at liberty to hear the petitioner through video conference. To enable the same, the petitioner shall furnish his mobile number and e-mail



ID to learned AAG 12 not later than by Tuesday, i.e. 16.06.2020, for its onward transmission to the concerned authority.

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

8. Office shall ensure that all defects have been removed and compliance with the notices of this Court has been made, within the stipulated time as provided in para 1 hereinabove.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	13.06.2020
Transmission Date	-

