

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13966 of 2018

1. Nirbhay Kumar, Son of Dharmpal Ray,
2. Dayanand Ray, Son of Shukul Ray, Both residents of Village- Bishambharpur, P.O. and Police Station- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Panchayati Raj, Bihar, Patna
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Danapur.
4. The Circle Officer, Bihta, Patna.
5. The Block Development Officer, Bihta, Patna.
6. The Deputy Inspector of Police, Danapur, Patna.
7. The Officer Incharge, Bihta Police Station, Bihta, Patna.
8. Lal Das Ram, Son of not known to the Petitioner,
9. Santosh Kumar, Son of Lal Das Ram, Both residents of Village- Bishambharpur, P.O. and Police Station- Bihta, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.Pushkar Narain Shahi- A.A.G. 6

Mr. Amit Pandey, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2020

Petitioners have prayed for the following
relief(s):



“1. For issuance of an appropriate writ/writs, order/orders, direction directions to the respondent authorities to restrain/ stop the private respondents from filling soil in the public pond having the area of 5 acres which is situated in the Gram Panchayat Sri Rampur, village-Bishambharpur in Mauza Patasa, Khata No.36 and plot no.21 and 22 of Thana No.56 maintain as Aam Gairmazarua with intention to grab the same, however the said pond is having the great importance for the people of locality and

so many villages for irrigation and in the rainy season to save the people from flash flood. The said pond having the importance from the angle of environment which ultimately has been from connected with the Ganga river which goes through the Gosai Asthan, Maner area.

And for any other relief/reliefs for which the petitioner and the general public may be found entitled.”

None appears for the petitioners.

We find that the issue with regard to encroachment over public water body can be best examined



by the concerned Circle Officer.

The private respondents allege the petition to be as a result of animosity and personal dispute, further claiming the present petition to be in the nature of personal interest and not public interest.

Without going into this issue, we dispose of the present petition reserving liberty to the petitioner to approach Respondent No. 2 namely The District Magistrate, Patna/ Respondent No. 3, namely the Sub-divisional Officer, Danapur highlighting the grievances.

As and when any such request is made, the concerned respondent shall consider and decide the same, as per law, within a period of three months.

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.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.



All issues are left open.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.12.2020
Transmission Date	

