

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8546 of 2020

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Bipin Kumar Yadav, Son of Videsi Yadav, Resident of Village - Rajgoan,
Police Station - Jadia, Distt.- Supaul, Presently Convenor of Rastriya Kisan
Morcha, Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Disaster, Govt. of Bihar, Patna.
3. The District Magistrate, Supaul.
4. The Block Development Officer, Chhatapur, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate
For the Respondent/s : Mr. P.N. Shahi, A.A.G. 6

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-10-2020

On the oral request of learned counsel, the Principal
Secretary, Irrigation Department, Government of Bihar, Patna is
impleaded as party respondent No.5.

Registry to make necessary correction in the memo of
parties.

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

“That this writ application by way of public interest
litigation is being filed for issuance of a writ
preferably in the nature of Mandamus commanding
and directing the respondent concerned to construct



the pucca Bandh over the SURSAR river because in lack of maintenance, Bandh has been destroyed and crops swept away in flood water and as also to give compensation against the crops which is destroyed/ruined due to flood. And/or any other relief/reliefs for which the petitioner is found to be entitled to in the facts and circumstance of the case.”

Considering the nature of grievance raised in the application, we are of the considered view that it would be appropriate if the petitioner were to first approach the Principal Secretary, Irrigation Department, Government of Bihar, Patna by way of filing representation.

The present application is, accordingly, disposed of reserving liberty to the petitioner to file appropriate representation before the Principal Secretary, Irrigation Department, Government of Bihar, Patna within a period of two months. If such a representation is filed by the petitioner, the authority concerned is directed to consider the same dispose it of expeditiously and preferably within a period of two months from filing of such representation. Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petitions, if so required and desired.



With the aforesaid observations, this application is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.10.2020
Transmission Date	

