

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8810 of 2018

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Ravindra Singh, Son of Anup Singh, Resident of Village - Awagila, P.S. -
Parasbigha, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department,
Bihar, Patna
2. The Secretary, Revenue Department, Old Secretariat, Patna.
3. The Director, Revenue Department, Old Secretariat, Patna.
4. The District Magistrate Cum Collector, Jehanabad.
5. The District Development Commissioner, Patna.
6. The Deputy Collector, Land Revenue, Jehanabad.
7. The Block Development Officer, Ratni, Faridpur, Jehanabad.
8. The Circle Officer, Ratni, Faridpur, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, A.C. to A.G.

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

Date : 20-02-2020

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. Petitioner has prayed for the following relief:

“(i). For a direction upon the respondents to stop and
remove the construction of toilet and its chamber
excluding the community hall which is used as
Primary School, Glopur as this construction is being
upon the sub canal meant for irrigation of agriculture
field, nearby under Khata No. 118 and Khesra No.



479, area- 0.08 nature of land Gair Mazarua without considering the fact that the present construction will stop the flow of water in subcanal which irrigates at least more than 50 acres of agricultural land in the east side of sub canal;

(ii). For a direction to the respondents to consider the applications filed/submitted by the petitioner along with other local people before the competent authorities for taking action to remove the obstacle erected in sub-canal of the aforesaid land.”

3. Having heard learned counsel for the petitioner, we see no reason to allow the prayer, for the action of the respondents in constructing the Community Hall and toilet over the land in question cannot be said to be against public interest or in violation of any of the provisions of the statute.

4. It is alleged by the petitioner that with the said construction, free flow of water over the water channel is obstructed.

5. Well, it is not so, for, as stands explained by the respondents in the affidavit, the construction is being raised not over the water channel but over the land adjoining thereto.

6. It is also urged on behalf of the respondents that the present petition is in the nature of private interest and not public interest, inasmuch as the petitioner is owner of the adjoining



land where the construction is being raised, and the construction is not to his liking.

7. Be that as it may, we notice that the construction raised is connected with the main road through a small road on which there is a culvert. As such, water can freely flow therefrom.

8. For all the aforesaid reasons, we close the present proceedings with direction to the authorities to ensure that the water channel is not clogged, be it for whatever reason, and that there is free flow of water for the purpose of irrigation to the nearby villages.

9. The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./-Utkarsh

AFR/NAFR	
CAV DATE	
Uploading Date	25.02.2020
Transmission Date	

