

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17219 of 2019

=====

Anju Mishra, Advocate, Daughter of Shashi Nath Mishra, Resident of Mahaveer Colony, Beur, Anisabad, Patna.

... .. Petitioner/s

Versus

1. The Union of India
2. The Secretary, Department of Water Resources, Govt. of India.
3. The Secretary, Department of Home Affairs, Govt. of India, New Delhi
4. The Chairperson, National Disaster Management Authority, New Delhi
5. The Secretary, Department of External Affairs, Govt. of India, New Delhi
6. The Director, National Flood Commission, New Delhi
7. The State of Bihar through the Chief Secretary
8. The Principal Secretary, Department of Water Resources, Govt. of Bihar
9. The Chairperson, Bihar State Disaster Management Authority, Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Anju Mishra (In Person)
For the Respondent/s : Mr.Anjani Kumar (Aag4)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 02-03-2020 Petitioner has prayed for following relief:-

“a. For directing the respondents to take immediate preventive measures for controlling the catastrophic and recurrent floods in Bihar, especially North Bihar:

by going for Multi-purpose River projects over Kosi, Gandak, Kamala and Bagamti. and/or

By going for River-Linking project as envisaged by ex Prime Minister, Atal Bihari Vajpayee.

B. For directing the respondents to take



prompt remedial measures so as to minimize loss of life and property.

C. For directing the respondents to initiate punitive/plenary actions against the officers and engineers responsible for leaving the breaches in the embankments unattended and giving false report of their fitness.

d. For prosecuting the officers and the engineers responsible for preparing false reports regarding the embankments for genocide, if loss of life occasions thereafter.

e. For any other relief/s which is deemed fit and proper in the facts and circumstances of the case.”

We are of the considered view that the averments made in the present petition, pressing for the relief, as reproduced supra are absolutely vague and unspecific.

Petitioner is seeking mandamus without even highlighting as to what is the inaction on the part of the respondents. Simply because the rivers, during monsoon, are in spate of floods and the people, more specifically of Bihar, are dislocated, cannot be a reason sufficient enough to take cognizance, directing the respondent authorities to ensure that the rivers flowing through the State of Bihar, having its origin in Nepal, be regulated at the place of its origin in view of the Judgment rendered by the Hon’ble the Apex Court in (2016) 2



SCC 653 titled as D.N. Jeevaraj and Ors. vs. Chief Secretary,
Government of Karnataka and Ors.

The petition does not indicate as to whether any of the schemes, be it of Central Government or the State Government, stands violated/not implemented. There is no reference of the schemes interlinking of rivers, may be by way of proposal of the Central Government, then, of its own, this court cannot direct the linking of rivers particularly, in the absence of cogent material on record.

As such, we dispose of the present petition reserving liberty to the writ petitioner, to first approach the authorities and thereafter, take recourse of such other remedies as are otherwise available in law.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rahul/-

U			
---	--	--	--

