

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.809 of 2021

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Bipin Kumar Yadav Son of Videsi Yadav Resident of Vilalge- 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 : Mrs. Nutan Sahay, AC to AAG 12

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 22-06-2021 Heard learned counsel for the petitioner and learned counsel for the State. Petitioner has prayed for the following relief(s):

“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 circumstances of the case.”

Learned counsel for the petitioner states that perhaps mistakenly, registry has registered two cases of very same subject matter. He further states that earlier application, being C.W.J.C. No. 8546 of 2020, titled as Bipin Kumar Yadav Vs. The State of Bihar & Ors., listed first already stands disposed of vide judgment dated 15.10.2020. The said judgment exactly reads as under:-

“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.”

In view of the same, the present petition stands
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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