

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1319 of 2021**

- 
- 
1. Munna Kumar Son of Sri Baikunth Sharma Resident of Village- Shahbajpur @ Sahawajpur, Police Station- Ghosi in the district of Jehanabad
  2. Binod Kumar Son of Late Mahesh Sharma Resident of Village- Shahbajpur @ Sahawajpur, Police Station- Ghosi in the district of Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna
3. The District Magistrate-cum-Collector, Jehanabad
4. The District Panchayat Raj Officer, Jehanabad
5. The Sub Divisional Magistrate, Jehanabad
6. The Circle Officer, Ghosi Block in the district of Jehanabad
7. The Executive Engineer, Public Health Division, Jehanabad under Public Health Engineering Department, Government of Bihar, Patna

... .. Respondent/s

---

---

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar, Adv  
Mr. Navin Sharma, Adv  
For the Respondent/s : Mr. Ajay GA-5

---

---

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

**Date : 28-06-2021**

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

“To direct the respondents especially respondent no. 6 and 7 to install the Bore Well and Water Tower under MukhyaMantri Gramin Pey Jal Nischay Yojana (hereinafter referred in short as the Yojana) over the land bearing Khata



No. 811, Plot No. 152 situated under Mauza Bharthu Tola Shahbajpur which is the most suitable Aam Gairmajarua land selected by the Gram Panchayat as well as by the villagers for installation of Bore Well and Water Tower under the Yojana.

(ii) Also to restrain the respondent from installation of Bore Well and Water Tower over the land bearing Khata No. 811, Plot No. 157 situated under Mauza Bharthu tola Shahbajpur which is the Bank of the Falgu River and badly effected with soil erosion by the Falgu river and major portion of the said land has been sub merged in the river and as such not suitable for installation of Bore Well and Water Tower.”

After the matter was heard for some time, learned counsel for the Petitioners, under instructions, states that Petitioners shall be content if a direction is issued to the **District Magistrate cum Collector, Jehanabad**, to consider and decide the representation which the Petitioners shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the Petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along



with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioners shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

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

(d) Equally, liberty is reserved to the Petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when Petitioners takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;



(f) Liberty reserved to the Petitioners to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) 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;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

**(Sanjay Karol, CJ)**

**(S. Kumar, J)**

ranjan/-

|                   |      |
|-------------------|------|
| AFR/NAFR          | NAFR |
| CAV DATE          | NA   |
| Uploading Date    |      |
| Transmission Date | NA   |

