

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.351 of 2022

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Birendra Kumar @ Virendra Kumar Son of Ram Swaroop Singh, Resident of
Village - Amarsingh Bigha, P.S. - Main, (Belaganj), District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Secretary Department of Minor Irrigation, Government of Bihar, Patna.
3. The Commissioner Magadh Division, Gaya.
4. The Collector, Gaya.
5. The Sub-Divisional Officer, Gaya.
6. The Sub-Divisional Officer, Tekari, Gaya.
7. The Block Development Officer, Belaganj, Gaya.
8. The Block Development Officer, Tikari, Gaya.
9. The Circle Officer, Belaganj, District - Gaya.
10. The Circle Officer, Tekari, District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Respondent/s : Mr.Ajit Kumar (G.A.9)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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

Date : 13-01-2022

Heard learned counsel for the parties.

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

“That this is an application for issuance of an appropriate writ(s), order(s), direction(s) in the nature of public interest litigation for direction to the respondent authorities to remove the encroachment from Kroawan Pain (the traditional source of providing irrigation to the agricultural land) in which river water used to be

brought by erecting a Zamindari Bandh near village Thanapur in Morhar river and thousand acer of land used to be irrigated through the abovesaid pain from river water but by the passage of time the pain has been encroached, and, the said Zamindari Bandh has also lost it's future therefore the petitioner further prays that a sluice gate may be constructed over the said Morhar river near village- Thanapur in place of Zamindari Bandh and the pain originated there from be given it's original shape show that thousands of farmer of Block Tekari and Belaganj of District Gaya and the farmers of district Jehanabad may get water through the said pain for irrigation of their land. The petitioner further prays for any other relief(s) for which the petitioner may be found entitled in the facts and circumstances of the present case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. **(Respondent No. 9, the Circle Officer, Belaganj, District - Gaya)** or any of the statutory authority to consider and decide the representation which the petitioner 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 petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four 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) Petitioner 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 four 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 petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner 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 petitioner to approach the Court, if the need so arises 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)

veena/rajiv

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	