

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16604 of 2022

Indu Devi Kashyap Wife of Shree Surendra Kumar Sunil, Resident of Vankatesh Sadan, Raja Bazar Jehanabad, P.S. - Jehanabad Town, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Jehanabad.
6. The Sub-Divisional Officer, Jehanabad.
7. The Executive Engineer, Minor, Irrigation Division, Jehanabad.
8. The Executive Engineer, Water Resources Department, Jehanabad.
9. The Executive Engineer, Water Resources and Flood Control Division Ekangarsarai, Nalanda.
10. The Block Development Officer, Jehanabad.
11. The Block Development Officer, Ratni Faridpur, Jehanabad.
12. The Circle Officer, Jehanabad.
13. The Circle Officer, Ratni Faridpur, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Respondent/s : Mr.Anjani Kumar (AAG4)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 02-12-2022

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 silt from the Morhar River under the District of Jehanabad and to repair/ construct the embankment (Tatbandh) of both sides of the abovesaid Morhar river under Jehanabad District and petitioner further prays for direction to the respondent authorities to open 9 gates out of 11 gates of Sammat Bigha Barage sluiceway (under Ratni Faridpur Block) Jehanabad for saving more than thousand acres of paddy and wheat crops from flood water in Jehanabad Block and Ratni Faridpur Block and to grant any other relief(s) for which petitioner may be found entitled in accordance with law.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies as are otherwise permissible and admissible in accordance with law as also represent respondent No.5, namely, the District Magistrate, Jehanabad venting out the grievances, subject-matter of the present petition.

Prayer allowed. Liberty, as prayed for, is granted.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present petition is disposed of as withdrawn with the liberty aforesaid.

We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its



presentation.

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 petition(s), if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/K.C.Jha

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