

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.971 of 2023

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1. Shankar Thakur S/o Ganesh Thakur R/o Village Rampur Ramhar, Post Office, Rampur Ramhar, Block- Jandaha, District- Vaishali, Bihar- 844122.
 2. Vipin Kumar, S/o Nagendra Jha R/o Vill. Rampur Brahbatta, Post Office, Rampur Ramhar, Block- Jandaha, District- Vaishali, Bihar- 844122.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Bailey Road, Patna- 800015.
2. Principal Secretary, Water Resource Department, Government of Bihar, Harding Road, Near Panchayati Raj Office, Rajbansi Nagar, Patna- 800001.
3. The District Magistrate, Collectorate Building, Hajipur, Vaishali.
4. Zila Parishad, Vaishali, through its Chairman, Zila Parishad Office, Dighi Kala, Hajipur, Vaishali- 844102, Bihar.
5. Circle Officer, Block Office Jandaha, Vaishali.
6. Mukhiya, Laxmipur Bharbatta, Jandaha Block office, Vaishali- 844505, Bihar.
7. Project Officer, MGNREGA, Jandaha.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kriti Suman, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha (SC19)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-01-2023 Heard Mr. Kriti Suman, learned counsel appearing on behalf of the petitioners and Mr. Rishi Raj Sinha, learned SC-19 for the State through video conferencing.

2. In the present writ petition, the petitioners have prayed for the following reliefs:-

“I. For issuance of an order, direction or writ including writ in the nature of mandamus commanding the respondents to restrain the respondent No. 4 and any



other Respondent authority from making any construction on or adjacent to the Nala land which is causing the filling up of Nala shown in Revisional Survey Map on Plot No. 962.

II. For the issuance of appropriate direction that Nala land may be protected and if the Respondent Authorities need to fill the Nala land for any reason whatsoever or carry out construction on the adjacent land which will affect the level of the Nala the same should be done only after construction of a properly designed drainage system for the village.

III. For the issuance of appropriate direction to the respondent authorities to build a proper drainage system to take care of drainage of the flood water entering into the village during rainy season.

IV. For grant of any other reliefs deemed fit by this Hon'ble Court in the facts and circumstances of this case."

3. The petitioners are directed to file their detail representation before the District Magistrate, Vaishali and the Superintendent of Police, Vaishali, raising their grievances as pleaded in the present writ petition.

4. The Superintendent of Police, Vaishali, must authorize a responsible Police Officer not below the rank of Deputy Superintendent of Police, who will inform the Circle Officer, and the Amin, Jandaha, Vaishali and the contractor, who has proceeded to raise certain construction on public *Nala* to ensure spot verification and measurement in his presence.



5. The Circle Officer, Jandaha, Vaishali is directed to conduct spot verification/ measurement and submit an inquiry report along with the measurement made on the spot. Such measurement must be conducted in the presence of the petitioners.

6. In case, the *Mukhiya*, *Panchayat* Secretary, *Sarpanch* or the *Pramukh* of the block along with the contractor influence the *Amin* or the Circle Officer and in any manner and the Circle Officer prepare a biased report, the same must be reported in written by the petitioners to the Deputy Superintendent of Police, Vaishali. The Deputy Superintendent of Police, Vaishali, is directed to inform the District Magistrate, Vaishali, and the Superintendent of Police, Vaishali for taking appropriate legal action against the Circle Officer and the Amin by initiating disciplinary proceeding for acting illegally under influence. The Superintendent of Police, Vaishali, on the basis of report finds that legal action is required against the Mukhiya, Panchayat Secretary and the contractor he is directed to take action by instituting criminal case against them.

7. Such exercise must be done within three weeks from today and appropriate action if required to be taken then the same must be taken by the District Magistrate, Vaishali and



Superintendent of Police, Vaishali, in accordance with law within a further period of three weeks and pass appropriate order in accordance with law following the principle of Natural Justice.

8. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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