

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2837 of 2023

Ajay Kumar Bulganin, son of Late Nabudi Ray, Resident of Village- Dakshni Dhamaun, Ward No. 6, Post- Dhamaun, P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief/ Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Engineer-in- Chief, Water Resources Department, Govt. of Bihar, Patna.
4. The District Magistrate, Samastipur.
5. The District Magistrate, Vaishali at Hajipur.
6. The District Magistrate, Muzaffarpur.
7. The Executive Engineer, Water Resources Department, Water Disposal Division, Samastipur.
8. The Executive Engineer, Water Resources Department, Water Disposal Division, Hajipur, District- Vaishali.
9. The Sub- Divisional Officer, Patori, District- Samastipur.
10. The Circle Officer, Patori, District- Samastipur.
11. The Circle Officer, Mohanpur, Patori, Samastipur.
12. The S.H./O., Mohanpur, Patori, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh, Advocate
		Mr. Amit Kumar, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan, SC 25

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-08-2023

The petitioner has filed the above Public Interest
Litigation for a direction to the respondents to remove the
encroachment from Harpur Saidabad link channel, to remove



the hurdle on the channel wherein Taradhamaun, Dhamaun and Hetanpur villages are situated as also payment of compensation to the land owners whose land has been acquired.

2. As has been pointed out by the learned Government Advocate, already the petitioner himself had filed a writ petition on the very same lines and Annexure-2 judgment was passed. In compliance with Annexure-2, a representation was made by the petitioner before the authority which is produced as Annexure-3. The petitioner has suppressed the disposal of the same. In compliance with the directions issued in Annexure-2 judgment, Annexure-F order is issued by the Collector, Samastipur, which has also been supplied to the petitioner as is evident from that document itself. The copy of Annexure-F has been endorsed to the petitioner herein, which the petitioner has suppressed.

3. The Collector in the said order has spoken of the land acquisition having been opposed by the headman and villagers and the proceedings having been stopped for the present. As far as the encroachment is concerned, it has been decided to issue appropriate instructions to the officers, Government servants, to proceed with the removal of the same in accordance with law.



4. An action plan has been formulated in a meeting wherein the Chief Secretary was the Chairman. It has been decided that the Executive Engineer, Water Drainage Division, Hajipur (Vaishali) on intimation of any encroachment in the plan area, will inform the concerned Circle Officer who will also take appropriate action to remove the encroachment under Section 3 of the Bihar Public Land Encroachment Act, 1956.

5. We do not find any reason to entertain a similar writ petition after the order issued in the earlier one has been complied with in the letter and spirit. The petitioner is also guilty of suppression insofar as not having produced the earlier order.

6. The writ petition would stand dismissed for the above reasons.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	08.08.2023
Transmission Date	

