

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3774 of 2024

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1. Avinash Kumar Son of Late Birendra Kumar @ Late Birendra Sharma, Resident of Village- Amarsingh Bigha, P.S.- Men, District- Gaya.
 2. Surya Nath Prasad, Son of Late Ramhit Rav, Resident of Village- Pandabigha, P.S.- Men, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Rural Development Department and Panchayati Raj, Bihar, Patna.
3. The Additional Chief Secretary, Minor Irrigation Department, Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Gaya.
6. The Block Development Officer, Belaganj, Gaya.
7. The Circle Officer, Belaganj, Gaya.
8. The Chief Engineer, Flood Control and Drainage, Water Resource Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-09-2024

The petitioners have raised concern about the floods in the Morhar River causing repeated hardships to the villagers, on the river bank, who are in constant fear of the rising waters. The petitioners seek intervention of this Court for building an embankment on both sides of the Morhar River from Morbandh



to Manjnosh Bandh within the district of Gaya.

2. A counter affidavit has been filed by the 8th respondent who is the Executive Engineer of the Water Resources Department, entrusted with flood control and drainage. It is stated that the boulder pitching work which is sought to be carried out on the banks, is an integral part of the weir constructed on the Morhar River by the Minor Water Resources Division, Jehanabad. It is also submitted that in the past years due to flash floods, during rainy days water logging happens in the low lying areas which flows back into the river within 24 hours. There has also been partial erosion of the river edge in Pandabigha for reason of the flash floods. The district administration is stacking sand filled bags to prevent river erosion and there is continuous monitoring and vigilance so as to ensure that the villagers are not deleteriously affected by the floods. It is also pointed out that the Circle Officer, Gaya has specifically by Annexure-R-8/A stated that no flood relief has been distributed in the last 15 years in Pandabigha village.

3. We are of the opinion that when the district administration is having a continuous vigil to assess the flood situation and there are also weirs constructed on the river, it is not for us to direct the construction of embankments on the river



banks. These are technical issues and policy matters which cannot be precipitated by orders issued by this Court.

4. Recording the submission of the 8th respondent and hoping that a constant vigil will be maintained so as to ensure that minimum hardship is caused to the villagers, we close the writ petition.

5. The writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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