

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17171 of 2019

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Bhartiya Jan Kalyan Party Rohtas Sasaram (Bihar) through its President Deen Dayal Kushwaha @ Deen Dayal Singh, aged about 46 years, Male S/o Sri Ram Gahan Singh, Resident of Village Deodihi P.O Sadokhar PS Chenari, Dist.Rohtas

... .. Petitioner/s

Versus

1. The Principal Secretary Minor Irrigation Govt. of Bihar New Secretariat, Patna.
2. Chief Engineer Minor Irrigation, Patna
3. The Principal Secretary Forest and Environment Department Govt. of Bihar
4. Chief Forest Supervisor Bihar, Patna
5. Assistant Chief Forest Supervisor cum Nodal Officer Bihar, Patna
6. District Forest Officer, Rohtas, Sasaram
7. Superintending Engineer Minor Irrigation (Monitoring) Govt. of Bihar, Patna
8. Executive Engineer Minor Irrigation, Parmandal Sasaram District- Rohtas.
9. Assistant Engineer, Minor Irrigation, Sasaram
10. Junior Engineer Minor Irrigation, Sasaram

... .. Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Ajit Kumar (GA-9)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 05-03-2024

Petitioner is a political party who is represented by its President. The President was appearing in person before this Court. The writ petition filed as a Public Interest Litigation was for renovating and repairing the Mahadeva Reservoir Link Channel to facilitate diversion of water for the purpose of irrigation of the lands.

2. The writ petition was once dismissed for default for non-appearance of the petitioner. Even today, none appeared for the petitioner when the matter was taken up in the list and then kept aside and taken up for hearing.

3. We see that earlier this Court had recorded in order dated 11.02.2020 that if the project is to be pursued it has to be completed within a time frame. It was also noticed that the earlier submission recorded by the Court on 27.09.2019 that 80 per cent of the work stood completed may not be correct.

4. We specifically take notice of the affidavit filed on 16.06.2020 after the order dated 11.02.2020. The affidavit admits that the Mahadeva Reservoir Link Channel, a project taken up for irrigation purposes in the year 1973, was completed in 1978 and that it was in disrepair. In compliance of the orders of this Court on 11.02.2020, a meeting was organized by the



Minor Water Resources Department and Department of Environment, Forest and Climate Change on 25.02.2020. A final decision was decided to be taken after a joint report is submitted by the higher officers. A site inspection was carried out by the authorities of both the departments and the joint Inspection Report dated 06.03.2020 is produced as Annexure-B. The joint Inspection Report states that cutting of hard rock would be required to renovate the canal which would require use of explosive substance, clearly prohibited under Section 32 of the Wildlife Protection Act, 1972. The said land was earlier declared as forest protected area/command area of Mahadeva Jalashya Scheme coming under the right canal of Durgawati Jalashya Yojana of Water Resources Department. A joint meeting organized by the Principal Secretaries of both the departments on 25.03.2020 deliberated on the issue and unanimously resolved that there is no need to renovate the link channel work of Mahadeva Reservoir Scheme based on the joint Inspection Report. The minutes of the meeting dated 25.03.2020 is produced as Annexure-C. It is also submitted that despite the decision not to renovate the Mahadeva Reservoir Scheme, the irrigation command area proposed in the scheme has been included in the Durgawati Jalashya Yojana.



5. We find absolutely no reason to further keep the writ petition pending. We dismiss the same.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	11.03.2024
Transmission Date	

