

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14788 of 2024

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Tribhuvan Prasad alias Tribhuvan Prasad Yadav S/o Arjun Singh R/o- Nakta
Diyara, P.S.- Patna, District - Patna, Bihar- 800011.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar.
2. The Additional Chief Secretary, Water Resource Department, Government of Bihar.
3. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar.
4. The District Magistrate cum Second Appellate Authority, Public Grievance Redressal Officer, District - Patna, Bihar,
5. The Additional Collector cum First Appellate Authority, District Patna, Bihar.
6. The Sub Divisional Officer cum Public Grievance Redressal Officer, District - Patna, Bihar.
7. The Sub-Divisional Officer, Sub-Division- Son Nahar, Naubatpur, District- Patna, Bihar.
8. The Executive Engineer, Sub-Division - Son Nahar, Khagaul, Patna, Bihar.
9. The District Panchayat Raj Officer, District - Patna, Bihar.
10. The Block Development Officer, Phulwarisharif, District- Patna, Bihar.
11. The Block Panchayat Raj Officer, Phulwarisharif, District- Patna, Bihar.
12. The Circle Officer, Phulwarisharif, District- Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rounak Sinha, Adv.
For the Respondent/s : Mr.Standing Counsel (23)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-09-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(i). For issuance of appropriate writ(s),
order(s), direction(s) for quashing the impugned
order dated 09.08.2024, passed by Respondent
No. 4.



AND/OR

(ii). For holding and declaring that construction of a Chhat-Ghat and changing room on the land, belonging to the Water Resource Department near Nakti Bhawani Temple, adjacent to the Patna Main Canal, without obtaining the necessary "No Objection Certificate" (NOC) or permission from the Water Resource Department is illegal.

AND/OR

(iii). For holding and declaring that construction of Chhat Ghat and changing room near Nakti Bhawani Temple, adjacent to the Patna Main Canal, without "No Objection Certificate," where already a 1,32,000 KVA high-tension electricity tower has been installed, poses a significant threat to the people at large and especially during the festive season.

AND/OR

(iv). For issuance of an appropriate writ(s), order(s), or direction(s) upon the Respondent No.4 to pass a fresh order, considering the various material and substantive correspondences such as Letter No.155, dated 10.11.23, Letter No.167, dated 19.12.2023, Letter No.1852, dated 20.12.23, Letter No.1059, dated 26.12.2023, Letter No.27, dated 01.03.2024, Letter No.393 dated 04.03.2024, Letter No. 462, dated 13.03.2024 and Letter No.1281, dated 22.08.2024, in accordance with law.

(v). For issuance of appropriate writ (s), order(s),



direction(s) upon the Respondent authorities to remove the constructed Chhat-Ghat and changing room on the land, belonging to the Water Resource Department near Nakti Bhawani Temple, adjacent to the Patna Main Canal, without obtaining the necessary "No Objection Certificate" or permission from the Water Resource Department.

AND/OR

(vi). For issuance of an appropriate writ, order or direction for recovery of the amount illegally spent from the State Exchequer in the illegal and unauthorised construction of the Chhat Ghat and changing room on the land, belonging to the Water Resource Department near Nakti Bhawani Temple, adjacent to the Patna Main Canal, without obtaining the necessary "No Objection Certificate" (NOC) or permission from the Water Resource Department.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law for redressal of his grievances, however, submits that it be directed that the order dated 13.6.2024, passed by the District-Magistrate-cum-Second Appellate Authority, District-Patna, in Complaint Case No. 999950108122310522/2A, shall not be an impediment for



the petitioner in pursuing his alternative remedy. Liberty, so sought, is granted.

3. It is needless to state that the aforesaid order dated 13.6.2024, passed by the District Magistrate-cum-Second Appellate Authority, District Patna, shall not cause any prejudice to the petitioner, in case the petitioner avails appropriate alternative remedy for redressal of his subsisting grievances.

4. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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