

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5922 of 2015

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Kailash Mandal S/o Late Satan Mandal resident of village- Birnaudha, P.S.-
Sultanganj, Distt. Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. District Magistrate, Banka.
3. Chief Engineer, Irrigation Department Banka at Bhagalpur.
4. Executive Engineer, Irrigation Department Banka at Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Mritunjay Narain, Adv.
For the Respondent/s : Mr. Ramashray Roy, AC to AAG-11

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 07-07-2025 Heard the parties.

2. The present writ petition has been preferred for the
following relief(s):

*for issuance of writ/writs,
order/orders, direction/directions to direct the
authorities concerned to fill up the ditch
created by the respondents the land (filed)
about 15 to 20 feet broad and 10 feet deep in
containing khata no 27, khasra no 893
Jamabandi no- 422, area 92 decimal by J.C.B
Machine without consent of he petitioner and
without giving any notice by the authorities
concern or to grant Rs-10 lacks as
compensation.*

3. A counter affidavit has come on behalf of the
respondent nos. 3 and 4 duly served upon the learned counsel for
the petitioner on 04.01.2015 in which the respondents have
brought on record the agreement between the parties duly signed



by the petitioner which record that they have come into an agreement and in that background, he has undertaken to withdraw the present writ petition bearing CWJC No. 5922 of 2020 of 2015.

4. Learned counsel for the petitioner submits that though an agreement was made and the writ petition was to be withdrawn, the respondents failed to abide by it.

5. Learned State Counsel submits that there is nothing in the agreement to show that it was subject to certain condition.

6. This Court has to go by the unrebutted counter affidavit filed on behalf of the State respondent in which the Annexure-A clearly shows that the petitioner has entered into an agreement with the respondents. In that background, the writ petition has become infructuous.

7. However, if the petitioner has any grievance, he can very well approach the respondent authorities including the superior authorities for its redressal.

8. The writ petition is disposed of.

9. Pending I.A.(s), if any, also stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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