

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8994 of 2026**

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1. Shakila Khatoon, Wife of Md. Shamim, Resident of Sahabpur Kamal, P.S.- Sahebpur Kamal, District- Begusarai.
  2. Shanaz Begum, Wife of Md. Wasim, Resident of Sahabpur Kamal, P.S.- Sahebpur Kamal, District- Begusarai.
  3. Md. Rizwan @ Md Rizwan Ahmad, Son of Md. Yusuf, Resident of Ward No.7 Sahebpur Kamal, P.S.- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Home Department, Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The Sub Divisional Officer, Balia, Begusarai.
5. The D.C.L.R., Balia, Begusarai.
6. The Block Development Officer, Sahebpur Kamal, Begusarai.
7. The Circle Officer, Sahebpur Kamal Begusarai.
8. The Station House Officer, Sahebpur Kamal Begusarai.
9. The Panchayat Sachiv, Sahebpur Kamal West, Begusarai.
10. D.P.R.O, Sahebpur Kamal Begusarai.
11. The Mukhiya, Sahebpur Kamal West, Begusarai.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Kaushal Kishore, Advocate<br>Mr. Rahul Deo Varman, Advocate |
| For the Respondent/s | : | Mr. Shiv Kumar, A.C. to G.A.-3                                  |

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**CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH**  
**ORAL ORDER**

- 2      30-06-2026      1. Heard Mr. Kaushal Kishore, learned counsel on behalf of the Petitioners duly assisted by Mr. Rahul Deo Varman, learned counsel and Mr. Shiv Kumar, learned A.C. to G.A.-3, counsel for the State.
2. Learned counsel for the petitioners submits that under

the 15<sup>th</sup> and 16<sup>th</sup> financial scheme, construction of drain in Mauza-Sahebpur Kamal, is to be done under the supervision of Block Development Officer, Panchayat Secretary and Mukhiya of the said Panchayat.

3. In course of argument, learned counsel for the petitioners forwards one letter no. 468 dated 13.05.2026 issued under the hand of Circle Officer, Sahebpur Kamal, Begusarai, mentioning therein the details of land over which construction of drain is to be done. The details of land as mentioned in the letter is Thana No. 663, Khesra No.- 1481 area of 14.3 Kattha in Mauza-Sahebpur Kamal, the piece of land is said to be *Gairmajarua Aam* and construction of drain is to conclude at Khesra No. 1483, the part of which has already been acquired by P.W.D.

4. The aforesaid letter of the Circle Officer, Sahebpur Kamal, categorically states that the construction of drain is to start after obtaining no objection Certificate from the concerned department as well as after the resolution passed by the Gram Sabha of the village Sahebpur Kamal.

5. At the bar, it has been submitted that without even following the aforesaid process as mentioned in the letter dated 13.05.2026, the respondents have started constructing the drain through the land of petitioners upon which there is no sanction

from the authorities to construct the drain.

6. The petitioners have already filed an objection in the form of representation before the Sub-Divisional Officer, Balia, Begusarai raising all the issues with a prayer not to construct the government drain over their private land upon which there is no sanction for the same and that representation has been placed in the writ application as Annexure P-2.

7. At this stage, learned counsel for the State submits that representation of the petitioners may be directed to be disposed off by the Sub-Divisional Officer, Balia, (respondent no. 4) who will examine all the contentions and will verify the documents in support thereof.

8. Having heard the parties and gone through the records especially the letter produced in course of argument, it would be expedient in the interest of justice to direct the Sub-Divisional Officer, Balai, Begusarai to consider the objections raised by the petitioners and having examined the issues himself and on being satisfied, he will pass a reasoned and speaking order after hearing all the parties concerned.

9. Till the disposal of the representation dated 01.03.2026 as contained in Annexure P-2 by the Sub-Divisional Officer, Balia, the construction of drain over the petitioners' land shall

not be done and only after disposal of his representation by a speaking order, the authorities will proceed with the construction of drain.

10. Thus, this writ application is disposed off with the aforesaid directions.

11. All pending interlocutory application(s), if any, also stands disposed off accordingly.

**(Rana Vikram Singh, J)**

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Prakash-

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