IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18082 of 2021

CNR No. BRHC010715962021

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Md. Salim @ Md. Salim Ansari Son of Isa Mohamad Ansari, Resident of Village-Paikauli Bado, P.S.-Phulwaria, District-Gopalganj.

... ... Petitioner/s

Versus

1. The State of Bihar through Secretary Revenue and Land Reform Department, Patna, Bihar.
2. The District Magistrate Gopalganj, District-Gopalganj.
3. The Additional Collector cum District Public Grievance Redressal Officer, Gopalganj, District-Gopalganj.
4. The Sub Divisional Officer (SDO) Gopalganj, District-Gopalganj.
5. The Circle Officer Phulwaria, District-Gopalganj.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Md. Ziaul Quamar, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 29-10-2026 Heard the parties.

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

"that, the petitioner would seek a writ in the nature of mandamus, commanding and directing the Respondent authorities who maintain the drainage system behind the petitioner's house which is illegally constructed by some villagers, said drainage water logged front of the house of petitioner about 2-3 ft. So petitioner and his family

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member's life is in danger, they cannot move freely from his house. So he file application before District Public Grievance Redressal Officer, Gopalganj. He inquired the matter though Circle Officer Phulwaria, District- Gopalganj. But he submitted report against the petitioner. Thereafter District Public Grievance Redressal Officer, Gopalganj disposed the matter. Thereafter petitioner filed complaint before Lokayukta Patna, who also stop the proceeding on the basis of Report of Circle Officer Phulwaria. But petitioner's problem is redressed. Kindly directed to Circle Officer Phulwaria as well as Sub Divisional Officer Gopalganj who redress the problem of petitioner and constructed paved drain under roadside."

3. The matter relates to piece of land having following details:

(i). Khata No. 164;

(ii). Khesra No. 1229;

(iii). Village-Paikvali;

(iv). PS-Phulwaria;

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(v). District- Gopalganj

4. The contention is that the entire drainage of the village terminates at different of his house causing water logging and which may result into illness to the family despite moving from pillar to post, else everyone fail to acknowledge it, the writ petition.

5. The counter affidavit has come on behalf of the respondents and learned counsel for the State has taken this Court to a letter No. 264 dated 31.03.2021 in which the Circle Officer, Phulwaria has acknowledged the said problem of the petitioner in the letter sent to the Additional Collector, Gopalganj. A perusal of the letter shows that he has incorporated the information given by the local Mukhiya that they are ready to construct the drainage if the petitioner cooperates and allows them to use some land and he has failed to do so it could not be done.

6. This Court is of the opinion that the petitioner/family are facing such a great problem when the entire sewage water accumulates at his place, he must cooperate and in case, the petitioner allows some land to be used for construction of the drainage system, the local authorities are duty bound to look into the matter and ensure that the drainage

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system is completed within a period of two months from the date, the petitioner approaches them, the direction aforesaid has been issued not only to the local Mukhiya but to all the local authorities including the Circle Officer, Phulwaria, Gopalganj.

7. If the petitioner allows his land to construct the drainage system and the local authorities failed to do so in next two months, they shall be facing contempt in the matter.

8. With the aforesaid observation, the writ petition stands disposed of.

(Rajiv Roy, J)

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