

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16655 of 2025

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Suresh Paswan son of Parikshan Paswan, resident of Village Damodarpur, P.S Sarai, District Vaishali, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Department of Irrigation, Government of Bihar Patna.
2. The Principal Secretary, Irrigation Department Bihar, Patna
3. The Commissioner, Tirhut Region, Muzaffarpur
4. The District Magistrate cum Collector, Vaishali
5. The Land Reforms Deputy Collector, Mahua, Vaishali
6. Sub Divisional Magistrate, Mahua District Vaishali
7. Circle officer, Rajapakar, Vaishali.
8. The Executive Engineer, Minor Irrigation Division Hajipur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar Singh, Advocate
For the State	:	Mr. Md. Nadim Seraj, GP-5
		Mr. Dharendra Kumar, AC to GP-5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

12 17-07-2026

Heard learned counsel for the parties.

2. The petitioners have preferred the present writ application in the form of Public Interest Litigation for the following reliefs:-

*“(i) For issuance of an appropriate writ,
order or direction commanding the
respondent authorities to remove*



obstruction of government water channel from Brahashtan to house of Rajeshwar Singh situated in village Damodarpur, P.O. & P.S. Sarai, District Vaishali constructed through the Rural Infrastructure Development Fund under State Government scheme sometime in the year 1999 and 2007.

(ii) For issuance of an appropriate writ, order or direction for grant of any other relief or reliefs, which may be deemed fit and proper under the facts and circumstances of the case.”

3. A second supplementary counter affidavit has been filed on behalf of Respondent Nos. 2 & 8, wherein following statements have been made in paragraph nos. 5 to 9:-

“5. That in its earlier order, the Hon'ble Court expressed its desire to ascertain the total number of villagers who are dependent on agricultural activities and how many of them have access to private tube wells. In this regard, it is respectfully



submitted before the Hon'ble Court that, as per the official records under the PM Kisan Scheme, a total number of 144 farmers are registered in the said locality. It is further submitted that as per Minor Irrigation Census-2025-26, a total of 25 private irrigation tube wells have been installed in the said locality which clearly demonstrate that there is adequate availability of private tube wells in the said locality for irrigation.

6. That it appears necessary to submit before the Hon'ble Court that the petitioner has, from the very beginning, attempted to mislead the Hon'ble Court by presenting incorrect facts. It is pertinent to state that the said tube well was installed in the decade of 1960-70, and over time, due to the development of residential settlements, orchards, etc. in the surrounding area, the majority of the channel has, for the past 25-30 years, remained in a dilapidated and



nearly non-existent condition. However, the petitioner has falsely stated before the Hon'ble Court that irrigation was being carried out through the said channel up to the year 2023.

7. That it is further pertinent to submit that, in the light of Resolution No. 992 dated 04.02.2019 issued by the Government of Bihar, the responsibility for operation and maintenance of tube wells has been entrusted to the respective Panchayats. The concerned Panchayat has also confirmed that the said channel has become irrelevant from the point of view of irrigation during last several years and the Panchayat, in public interest, has undertaken earth filling work in a small portion of said dilapidated channel and constructed a Kuchcha (unpaved) pathway for public INTEREST.

8. That in Para-4 of the earlier order, the Hon'ble Court has raised a query as to whether the Government has proposed any



scheme to provide assistance to the farmers who lack the financial capacity to install private tube wells for irrigation, and, if so, what steps have been taken to facilitate the provision of such tube wells to those farmers. In this regard, it is humbly stated before the Hon'ble Court that under the "Saat Nishchay-2" initiative of the Government of Bihar, subsidy is provided under the "Mukhymantri Niji Nalkoop Yojna" for the installation of private tube wells with the objective of making farmers self-reliant in terms of irrigation. The provisions and salient features of the said scheme are annexed herewith.

9. That in view of the facts stated above, claim of the petitioner is not maintainable and thus the Writ Application is fit to be disposed of."

4. Having considered the statements made in the second supplementary counter affidavit, this Court is satisfied that the queries raised in the earlier order have been duly



addressed by the respondents.

5. In view of the explanation furnished and the subsequent developments brought on record, this Court is of the view that no further order is required to be passed in the present matter.

6. Accordingly, the present writ application stands disposed of

7. Pending application (s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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