

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20331 of 2025

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Dulari Devi, Wife of Guddu Yadav, at present Chairman Zila Parishad Jamui,
Resident of Village- Borar, Sikandra, P.S. Shikandra, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Water Resources Department, Govt. of Bihar, Patna.
2. The Additional Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Technical Advisor, Water Resources Department, Govt. of Bihar, Patna.
4. The Engineer in Chief Head Quarter, Water Resources Department, Govt. of Bihar, Patna.
5. The Engineer in Chief (Irrigation Creation), Water Resources Department, Govt. of Bihar, Patna.
6. The Chief Engineer, Planning and Monetring, Water Resources Department, Govt. of Bihar, Patna.
7. The Chief Engineer, Master Planning Investigation and Project Preparation, Water Resources Department, Govt. of Bihar.
8. The Director, Water Resource and Irrigation Department, Govt. of Bihar, Patna.
9. The District Magistrate, Jamui, P.S. and District- Jamui.
10. The Superintending Engineer, Irrigation Department, Bhagalpur, P.S. and District- Bhagalpur.
11. The Executive Engineer, Minor Irrigation Jamui, P.S. and District- Jamui.
12. The Sub-Divisional Officer, Nawabganj Minor Irrigation Officer, P.S.- Sikandra, District-Jamui.
13. The Executive Engineer, Water Resources Department, Sikandra, Jamui P.S. and District- Jamui.
14. The Project Manager, Kundghat, P.S.- Sikandra, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate
For the Respondent/s : Mr. P. K. Shahi, Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 10-04-2026

The present writ petition by way of a Public Interest Litigation has been filed by the petitioner Dulari Devi seeking for construction of sluice gate towards Bahuar Canal with regard to Kurdghat reservoir construction in order to save the irrigation at Northern Eastern side of the Shikandra Block (Jamui) towards Kodasi Jagdishpur to Raghunathpur village otherwise it would cause irreparable loss to the 40-50 thousands people of Sikandra Block, with a further prayer to direct the respondents to provide water in Bahuar river also otherwise it would be fatal to several panchayats under Shikandra Block and for further direction to the respondents to divert the water in proportion of the land to save several panchayats in the down water level and to prevent the land being barren land.

2. The case of the petitioner is as follows:

“(i). That Kurdghat Jalashya Yojna / Kurdghat Reservoir Project is a dream project of the Water Resource Department under Jamui District. It has to be constructed approximately 351 meters long and 41 meter high dam across the Bahuar River in Shikandra Block under Jamui District to provide irrigation facilities to drought prone area in Jamui District for boost agricultural activities.



(ii). That the petitioner is the supporter of the dam project but the petitioner only wants proportionate distribution of water for her jurisdiction. She learnt that the dam has given water to Mathurapur Main Canal on the Southern side while the aforesaid dam has neglected Bahuar river and towards Sable Bigha and Kodasi Village Panchayats, which will cause great loss to several panchayats.

(iii). That the several Mukhiyas of the panchayats like Pole Sablebigha, Bhullo and Pramukh of the Shikandra Block namely Usha Devi wrote letter to petitioner, who is the Chair person, Zila Parisad Jamui to open the Slice gate towards Bahuar River and they became aggrieved as their land has become barren.

(iv). That hundreds of local aggrieved persons have written letter to the Chairperson of the Zila Parisad of Jamui for redressal of their grievances in regard to irrigation of their lands and to save the land from being barren, otherwise people would be on the verge of starvation like Faguni Prasad Yadav, Santosh Paswan, Nand Kishore Keshri.

(v). That thereafter the



petitioner wrote letter vide letter no. 51/2025 on 11.02.2025 to the Chief Engineer, Water Resources and Irrigation Department, Govt. of Bihar, Patna and Principal Secretary, Govt. of Bihar vide letter no. 52/2025 dated 11.02.2025 and gave reasons that if the respondents disturb Bahuar river, forty to fifty thousand citizens would be aggrieved but till today, no action has been taken with regard to the locality concerned.

(v). That the petitioner has also annexed a Nazri Nakasha of the locality and it appears that the Sluice Gate towards Mathurapur Main Nahar Blocks the Bahuar River and that the respondents are neglecting the farmers/lands, who were earlier beneficiaries from the water.”

3. When the matter was taken up on 18.02.2026, learned counsel for the State took time to file counter affidavit and accordingly counter affidavit has been filed on behalf of the respondent nos. 1 to 8 and 10 to 13 by one Ravi Shekhar Sharma, Executive Engineer, Irrigation Division Sikandra, Jamui, wherein it is stated as follows:

“5. That the Kundghat Reservoir Project has been prepared on the basis of comprehensive technical



survey and investigations on the basis of which DPR has been approved. Thereafter the design and drawings had been approved based on natural flow of water (i.e. gravity flow), topography of land. Thereafter the construction work had been started and presently the construction work is at the final stage of completion. Hence it is not technically and economically feasible to provide water in North-Eastern villages through this Kundghat reservoir scheme. Also, in the Design, there is a provision of water flow into the Bahuaar River through:-

a. Escape Channel of Kundghat Main Canal.

b. Spillway Gates of Dam if there is excess water in the reservoir.

6. That it is submitted that the concerned team had approved the said project after considering the natural water flow of connected river & gravity flow, topographical condition, scientific and geological basis as well as the technical feasibility and economical optimization hence without considering these facts the design & alignment of the project cannot be changed.

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9. That it is stated and submitted that the demand of the Petitioner to divert the water flow towards certain villages is technically unfeasible because the ground slope in that direction does not favour the gravity flow and the project is designed to supply the water through natural gradients to ensure sustainability and efficiency.

10. That it is further stated that the Bahuaar River is a seasonal hilly river which carries heavy flow only for a short duration during the monsoon and then recedes. To regulate such flow, conserve rainwater and ensure planned irrigation, the Kundghat Dam was constructed on the Bahuaar River. The dam is located near Lachuar Village, where the eastern side of the river is at a higher elevation and the western side is lower.

11. That due to the natural topography, the gravity-based irrigation from the Bahuaar River is technically feasible only towards the western side. Accordingly, a canal system was constructed to provide irrigation to approximately 2035 hectares of land in Sikandra Block. The eastern area, being higher than the riverbed, cannot receive



irrigation from the dam through natural flow. The same is evident from the Nazari Map.

12. That prior to construction of the said dam, monsoon water of the Bahuaar River used to flow into the Harohar River, and there was no water storage or regulated irrigation system. After construction, water is stored, regulated and safely managed through canals, escape regulator and a spillway structure for ensuring irrigation in the southern command area and overall water security.

13. That the eastern area as referred by the Petitioner already falls within the Cultural Command Area of existing irrigation projects, including the Upper Kiul Main Canal (UKMC) and connected reservoirs and distributaries. The renovation and lining work of the UKMC is presently under process and upon completion; irrigation water shall reach the tail end. The farmers of the eastern region will be also benefitted after renovation and lining work of the UMKC. It is further stated that earlier the UKMC was built with soil but now the work of concretization in place of soil is under process.



14. That in this regard it is further stated that the agreement bearing Agreement No. 02/SBD/2025-26 was also executed with successful bidder for Restoration and Lining Work of main Canal from 0.00 to 19.60 Km under Upper Kiul Reservoir Scheme for agreement amount of Rs.52,67,67,661. As per agreement the said work will be completed within 18 months.

15. That it is stated that after completion of abovementioned project the complete irrigation facility will be available in the eastern side as referred by the Petitioner. It is pertinent to mention that earlier the irrigation facility was also available in the eastern side or area as referred or demanded by the Petitioner but due to some damage in the UKMC, the said irrigation facility was disturbed.

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17. That earlier vide Letter No. 813 dated 11.07.2018 the Executive Engineer, Irrigation Division Sikandra submitted the Technical feasibility Report before the Superintending Engineer, Irrigation Circle, Jamui stating all the facts about the construction of Kundghat Reservoir Scheme. The same is evident from the Technical feasibility Report of the



committee dated 18.12.2017 as well as the Estimates dated 08.09.2009.”

4. After receipt of the counter affidavit, the petitioner has filed a rejoinder affidavit, wherein it is stated as follows:

“4. That meaning thereby the “Kund Ghat Project” has been constructed on the origin point of Bahuar River but the design of construction is faulty as when rain water raises in the reservoir and reaches a height of 30 metres then the water comes in Bahuar River; otherwise water flows to other side, i.e., towards Mathurapur and Korwadih it appears from the design itself that the authority concerned has adopted a step-mother treatment towards agriculturists, who are beneficiaries of Bahuar river and accordingly, it will cause great prejudice to the eastern northern area of Sikandra Block.

5. That in the construction of Kundghat reservoir there is a provision for water flow into Bahuar River through step channel and spillway gates if there is excess water in the reservoir meaning thereby that in a normal situation, there will be no water flow towards Bahuar river and it will cause great prejudice to



irrigation in the sub division of Sikandra Block. Some photograph is attached herewith for clarification of the scenario over the Bahuar river.

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10. That from the statement made in paragraph 13 of the counter affidavit it appears now that the petitioner will get water after renovation of linking work of “Upper Kiul Main Canal” (U.K.M.C.) and the renovation of linking work of U.K.M.C. is presently under process and upon completion, irrigation water shall reach the farmers of the eastern region.”

5. We have heard the learned counsel for the respective parties and gone through pleading in the writ petition, counter affidavit and the rejoinder affidavit. From the record, it appears that the construction work of the Kundghat Reservoir Project is at the final stage of completion and it is not technically and economically feasible to provide water in North-Eastern villages through the Kundghat reservoir scheme and that the demand of the petitioner to divert the water flow towards certain villages is technically not feasible as because the ground slope in that direction does not favour the gravity flow and the project has been designed to supply the water through natural



gradients to ensure the sustainability and efficiency.

Even though the learned counsel for the petitioner has disputed the stand taken by the Executive Engineer in the counter affidavit, however since these are all technical issues to be dealt with by the persons having technical expertise in the concerned field and above all in the counter affidavit filed by the Executive Engineer, it is clearly stated that the prayer of the petitioner regarding diversion of the water towards certain villages is technically not feasible, this Court does not find any merit in the present Public Interest Litigation.

6. Accordingly, the Public Interest Litigation is disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2026
Transmission Date	NA

