

(2020) 02 PAT CK 0297

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 8810 Of 2018

Ravindra Singh

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 20-02-2020

Acts Referred:

Citation : (2020) 02 PAT CK 0297

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Saroj Kumar, Prabhu Narayan Sharma

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. Petitioner has prayed for the following relief:

"(i). For a direction upon the respondents to stop and remove the construction of toilet and its chamber excluding the community hall which is used as Primary School, Glopur as this construction is being upon the sub canal meant for irrigation of agriculture field, nearby under Khata No. 118 and Khesra No. 479, area- 0.08 nature of land Gair Mazarua without considering the fact that the present construction will stop the flow of water in subcanal which irrigates at least more than 50 acres of agricultural land in the east side of sub canal;

(ii). For a direction to the respondents to consider the applications filed/ submitted by the petitioner along with other local people before the competent authorities for taking action to remove the obstacle erected in sub-canal of the aforesaid land."

3. Having heard learned counsel for the petitioner, we see no reason to allow the prayer, for the action of the respondents in constructing the Community Hall and toilet over the land in question cannot be said to be against public interest or in

violation of any of the provisions of the statute.

4. It is alleged by the petitioner that with the said construction, free flow of water over the water channel is obstructed.

5. Well, it is not so, for, as stands explained by the respondents in the affidavit, the construction is being raised not over the water channel but over the land adjoining thereto.

6. It is also urged on behalf of the respondents that the present petition is in the nature of private interest and not public interest, inasmuch as the petitioner is owner of the adjoining land where the construction is being raised, and the construction is not to his liking.

7. Be that as it may, we notice that the construction raised is connected with the main road through a small road on which there is a culvert. As such, water can freely flow therefrom.

8. For all the aforesaid reasons, we close the present proceedings with direction to the authorities to ensure that the water channel is not clogged, be it for whatever reason, and that there is free flow of water for the purpose of irrigation to the nearby villages.

9. The petition stands disposed of in the aforesaid terms.