

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9598 of 2022

Bajnath Prasad Gupta Son of Late Janki Sah, r/o Village and P.S. - Deo,
District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Superintending Engineer, Road Construction Department, Aurangabad.
4. The Executive Engineer, Road Construction Department, Aurangabad.
5. The Circle Officer Deo, District- Aurangabad.
6. The Executive Officer, Nagar Parishad, Aurangabad-cum-Nagar Panchayat, Deo (Aurangabad).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha
For the Respondent/s : Mr.Syed Iqbal Ahmad (Sc 20)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 03-07-2023

1. The present petition has been filed seeking the following relief :-

“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of Mandamus commanding and directing upon the respondents to remove the drain/ outlet of the drain over the land of the petitioner appertaining to Khata no. 371, Plots no. 1876, 6475, area 051 decimal situated at mauja Deo due to which the land of the petitioner has been covered by the water all along 12 months causing



irreparable loss to the petitioner.”

2. At the outset, the learned counsel for the respondent State has referred to the counter affidavit, filed by the District Magistrate, Aurangabad, paragraph no. 5 whereof, is reproduced hereinbelow :-

“(5) That it is humbly submitted that in light of the aforesaid order dated 28.04.2023 of the Hon'ble Court as well as in light of the order/ direction of District Magistrate, Aurangabad, the Deputy Collector, Land Reforms, Aurangabad alongwith circle officer, Deo and concerned Halka Karmchari made spot enquiry and during the course of spot enquiry the following facts came in light :-

(i) That the land in question of the petitioner Baijnath Prasad Gupta is presently parati land, which is situated just left side of the road, which goes from Chhatha Talab to godown. The drain has already been found constructed beside the road of Deo Bazar and also the pucca nali has been found constructed in the lane (gali), which goes from Deo Bazar road towards the land of the petitioner. The complain of the petitioner is related to opening of outlet of drain/gali into the



land of the petitioner.

(ii) That as the land in question of the petitioner as well as other land situated near by it was parati/vacant land and down land since very longtime, therefore the flow of wastage water of gali and the house newly constructed both sides of the lane passes/discharges through the drain in question constructed over the government land but the drain water discharges into the land of the petitioner. Presently the flow of water of drain in question has been connected with the main big drain situated beside the Deo Bazar road and drainage water is being discharged into the said main big drain. The other side of drain constructed in gali, which outlet opens into the land of the petitioner has been permanently closed by brick, cement and concrete and presently the flow of drain water is not being discharged into the land of the petitioner.

After Conducting spot enquiry, the Deputy Collector, Land Reforms, Aurangabad along with the Circle Officer, Deo submitted his enquiry report to the District Magistrate, Aurangabad vide letter no. 745/L.R. dated 08.05.2023, which is self explanatory.”



3. In view of the aforesaid, the learned counsel for the petitioner submits that the petitioner be granted liberty to approach the District Magistrate, Aurangabad, in case he is having any subsisting grievance. Liberty so sought, is granted.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.07.2023
Transmission Date	NA

