

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M. P. No.1179 of 2011

Ram Prasad Das. Petitioner.
-Versus-
1. The State of Jharkhand
2. Subia Dasin Opp. Parties.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Sudhanshu Kumar Deo, Advocate
For the State : A.P.P.

Order No.07 **Date: 31.01.2019**

The present petition has been filed for quashing the order dated 6th October, 2010 passed by the learned Sessions Judge, Deoghar in Cr. Revision No.31 of 2008, whereby the revision application preferred by the petitioner has been dismissed affirming the order dated 31st December, 2007 passed by the learned Sub Divisional Magistrate, Madhupur at Deoghar in Cr. Misc. Case no.1 of 2006, directing the petitioner to remove the obstruction of drain on the road causing inconvenience to general public.

Heard learned counsel for the petitioner and perused the impugned orders dated 6th October, 2010 and 31st December, 2007. While appreciating the factual issue, the learned Sessions Judge in the order dated 6th October, 2010 has held as under:

"The report of Circle Officer is on the record, he has stated in his report that the water flows on the road, coming out from the house of first party, he has also stated that villagers were willing to give the land to the first party for construction of drain for flowing of water from her house but she is causing nuisance to general public.

From the aforesaid facts and circumstances, it is evident that water is coming from the house of the first party Subia Dasin. It has also come in evidence that there is drain outside the house of first party and a P.C.C. road at the higher level from the ground level of the first party. Witnesses of the applicant have stated that there is no water logging outside the house of the first party which is falsified by the report of Circle Officer. Witnesses of first party have stated that the water is logged as the applicant have blocked the drain by filling it with soil. This version is corroborated by the report of Circle Officer. Though, the Circle Officer, in his report has blamed the first party herself.

From the entire facts and circumstances, it is evident that water coming from the house of first party flows on the road as the applicant had blocked the drain."

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Keeping in view that the learned Sessions Judge has duly considered the factual issues involved in the matter, I see no reason to interfere with the impugned order dated 6th October, 2010, upholding the order passed by the Sub Divisional Magistrate dated 31st December, 2007.

The present petition being devoid of merit is, accordingly, dismissed.

(Rajesh Shankar, J.)

Sanjay/