

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11329 of 2014

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Ramanand Singh, S/o Sudarsan Singh, R/o Village - Baikathpur, P.S. Khusrupur, District – Patna, presently Up-Sarpanch, Baikathpur Gram Kachahary, P.S. Khusrupur, Distt. - Patna

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.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
2. The Divisional Commissioner, Patna
3. The District Magistrate - cum - Collector, Patna
4. The Sub-Divisional Officer, Patna City, Patna
5. The Circle Officer, Khusrupur

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Ajay Kumar Singh, Advocate Mr. Raj Kumar, Advocate
For the Respondents	:	Mr. Anil Kumar Sinha, G.A.-9 Ms. Nutan Sharma, A.C. to G.A.-9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 05-01-2015 The petitioner is resident of Village Baikathpur within the Patna district. It is stated that water body in his village is covering considerable area. His concern is that the respondents are trying to assign the land earmarked as the water body, to landless persons. He submits that in case the land is settled, the very existence of the tank would become questionable and hardship would be caused to the villagers.

A counter affidavit has been filed by the respondents in which it is stated that such land is not recorded as water body and

the petitioner tried to grab the land.

Heard Mr. Ajay Kumar Singh, learned counsel for the petitioner, and Mr. Anil Kumar Sinha, learned Government Advocate No.9, for the respondents.

The interest of the petitioner is quite laudable. The water bodies in the village and other places are becoming the objects of encroachment; and just as the forest coverage is being depleted on account of deforestation, the ponds are losing their identity altogether. Apart from the adverse impact on the environment, the general public are also put to loss.

We, therefore, dispose of the writ petition directing that no part of the land, which is earmarked for water bodies, shall be assigned to anyone. The respondents shall also ensure that the encroachments, if any, on such land are removed at the earliest, after following the prescribed procedures. The District Magistrates shall ensure that the same steps are taken in other parts of the district duly following the prescribed procedures.

(L. Narasimha Reddy,CJ)

(I. A. Ansari, J)

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