

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5208 of 2019

1. Amarnath Ray, Son of Murat Ray, Resident of Village Ekavaniya, P.O. Kargahar, P.S. Kargahar, District-Rohtas, Bihar
2. Ram Bihari Shukla, Son of Late Truveni Shukla, Resident of Village-Ekavaniya, P.O. Badhari, P.S. Kargahar, District-Rohtas
3. Ram Sanehi Singh, Son of Sant Prasad Singh, Resident of 45, Ekwaniya, P.O. Kargahar, P.S. Kargahar, District-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna
3. The Principal Secretary, Home, Government of Bihar, Patna
4. The District Magistrate, Rohtas, Sasaram
5. The District Development Commissioner, Rohtas Sasaram
6. The Additional Collector, Rohtas Sasaram
7. The Sub-Divisional Public Grievance Officer, Rohtas Sasaram
8. The DCLR, Rohtas Sasaram Bihar
9. The Circle Officer, Rohtas, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjan Prakash, Advocate
For the Respondent/s : Mr.

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

Date : 23-11-2020

Petitioner has prayed for the following relief(s):

“a) To issue an appropriate writ, order or
direction Commanding the Respondents to
institute an enquiry to enquire into and report



about the condition, status and existing position of Pokhra/Talab situated in Village Ekwaniya, District Rohtas bearing Thana No. 307, Khata No. 120, Khesara No. 309, Area -2.56 Acres (hereinafter referred to as "public water body") as also to provide suggestions for taking suitable steps for the protection, stable maintenance, improvement and better utility for the mankind and creatures.

b) To issue further appropriate writ, order or direction commanding the Respondents to remove the encroachments from the public water body as complained by the local villagers by Respondents No. 04 to 09.

c) To issue further appropriate writ, order or direction commanding the Respondent 2 and 3 to set/fix the responsibility over the responsible officers of the Districts such as District Magistrates and other officials of the districts to ensure the proper protection maintenance and improvement of the public water body after removal of encroachments and also to prevent any further re-encroachment.

d) To issue further appropriate writ, order or direction commanding the Respondent No. 02 and 03 to set/ fix the responsibility over the responsible officers, employees and beneficiaries in causing loss and damages and



taking undue advantages in utilising the resources of the public water body.

e) To issue further appropriate writ, order or direction commanding the Respondent No. 04 to 09 to set and assess the loss and damages caused to the public water body in exploiting the resources and recover the same with penal interest from the wrong doers and deposit the same in government treasury, with a report to this Hon'ble Court.

f) To issue further appropriate writ, order or direction commanding the Respondents to link/connect public water body with all government welfare schemes such as NREGA /MNREGA So that the nature and existence of public water body is preserved and maintained in larger public interest.

g) This Hon'ble Court may adjudicate and hold that it was the duty of the Respondent Authorities to protect, duty of preserve and maintain the public water body to ensure the utilization of the natural resources in the better interest of the people at large.

h) This Hon'ble Court may further adjudicate and hold that the action of the Respondents in not taking proper care in preservation and maintenance of public water body amounts to dereliction of public duty for which they should be held responsible and also be punished.

i) To award any other relief or reliefs for which the Petitioners are found



entitled in the fact and circumstance of the case.”

Learned counsel for the petitioner seeks permission to withdraw the application.

Permission granted.

The present application stands dismissed as withdrawn.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.12.2020
Transmission Date	

