

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22930 of 2018

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Suresh Kashyap @ Suresh Kumar son of late Dwarika Saw resident of Near
Sahid Ashram, AtP.O.P.S.- Paliganj, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, New Secretariat, Baily Road, Patna-800015.
2. The District Magistrate, District Collector at Office, District- Patna-800003
3. The Sub-divisional Officer, Sub-Division-Paliganj, District- Patna
4. The Deputy Collector of Land Reforms D.C.L.R., Sub-Division- Paliganj, District-Patna
5. The Block Development Officer, Block-Paliganj, District-Patna
6. The Circle Officer, Circle-Paliganj, District-Patna
7. Ajmal Hussain son of late Leyakat Hussain resident of VillagePostP.S.- Paliganj, District-Patna.

... .. Respondent/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr.Jayram Sharma, Adv
For the Respondent/s : Mr.Md.Khurshid Alam -AAG12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 07-12-2020

Heard learned counsel for the parties.

Petitioner has prayed for the following relief:-

"(i) For issuance of directing the respondents to remove the illegal encroachment, any structure, fill up, digging etc made so far and restore the ecology of famous historical pond known as Muni Talab (pond) erected by the Private respondent no. 7 and others over the public land bearing Thana No. 319, Khata No. 121, Plot No. 754, Area-1 Acre 36 Decimal situated at Mauza Nirakhpur,



Village+post+P.S.+Block-Paliganj, District Patna.

(ii) For further directing that any construction over the Muni Talab(Pond) will permanently destroy for the ecology of pond, its ground water recharge ability and will be violative of public trust doctrine, precautionary principle which are part of Article 21 of the constitution.

(iii) And further directing the respondents to restore the ecology of Muni Talab (Pond) in accordance with the "polluters pay principle."

After the matter was heard for sometime, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the **respondent no. 2 District Magistrate, Patna**, to consider and decide the representation with respect to grievances raised in such representation.

Learned counsel for the respondent states that if such representation is filed before the **respondent no. 2 District Magistrate, Patna**, same shall be considered and decided within a period of two months from the date of receipt of such representation in accordance with law.

Equally liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

Liberty reserved to petitioner to approach the court, if the need so arises subsequently on the same and subsequent cause of action.



The writ petition is accordingly, disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

