

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2513 of 2021

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Swamy Kamalnayanacharya ji, Son of Laliteshwar Prasad Singh, Village-
Jinpara P.O. Jinpara Sadisopur, P.S. Bihta Dist. Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt of Bihar, Old Secretariat, Baily Road, Patna-800015.
2. The Principal Secretary, Reforms Department, Govt. of Bihar, New Secretariat, Baily Road, Patna-800015.
3. The District Magistrate, District Collector at office, District-Patna-800003.
4. The Sub-Divisional Officer, Sub-Division-Paliganj, District-Patna.
5. The Deputy Collector of Land Reforms (D.C.L.R.), Sub-Division-Paliganj, District-Patna.
6. The Block Development Officer, Block-Paliganj, District-Patna.
7. The Circle Officer, Circle-Paliganj, District-Patna.
8. Chandrma Yadav Son of late Parmeshwar Yadav
9. Narayan Ram Son of Late Tilak Ram
10. Naresh Yadav Son of Late Bhagwan Yadav
11. Arwind Ram Son of Umesh Ram
12. Satendar Paswan Son of Vijay Paswan
13. Birender Yadav Son of Ramjapit Yadav
14. Akhilesh Manjhee Son of Lalbabu Manjhee
15. Niru Manjhee Son of Late Ramasrey Manjhee
16. Nathun Manjhee Son of Late Ragho Manjhee
17. Sanjay Kumar Son of Late Ramadhar Yadav
all from Sl. no. 08 to 17 are Resident of Village and Post and Police Station-
Paliganj, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jayram Sharma, Advocate
For the Respondent/s : Mr. Khurshid Alam, AAG-12

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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.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 29-06-2021

Heard learned counsel for the parties.



Petitioner has prayed for the following relief(s).

- “(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 Thakurwari Aam Talab (pond) erected by the Private respondent no.08 to 17 and others over the public land bearing Thana no.319, Khata no. 27, Plot no. 268, 269 & 277, Area- 4 Acre 50 Decimal situated at Mauza- Nirakhpur, Village + Post + P.S. + Block + Aanchal-Paliganj, District- Patna.
- (ii) For further directing that any construction over the Thakurwari Talaw (pond) will permanently destroy for the ecology of pond, its ground water recharge ability and will be violative of public trust doctrine, precautionary principal 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.”
- (iv) To grant any other relief/reliefs for which the petitioner is legally entitled.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority



concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in



accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits.

All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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

