

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4901 of 2022

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Mushahari Prakhand Matsyajibi Sahyog Samiti Ltd. Mushahari, Muzaffarpur through its Mantri Naresh Kumar Sahni, Son of Late Leela Sahni, Resident of Ward No.12, Sikandarpur Kundal, P.S. and District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Forest and Environment Department, Government of Bihar, Patna.
3. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Principal Secretary, Fisheries and Animal Husbandry Department, Government of Bihar, Patna.
5. The Director, Directorate of Fisheries, Government of Bihar, Patna.
6. The Commissioner, Tirhut Division, Muzaffarpur.
7. The District Magistrate, Muzaffarpur.
8. The Commissioner cum Chief Executive Officer, Muzaffarpur Municipality.
9. Sub-Divisional Officer, East Sub-Division, East Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar, Adv,
For the Respondent/s : Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and

HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 29-07-2022

The present application has been filed by the petitioner with a prayer to issue direction to the respondents to beautify Brahamapura Man situated in Mushahri block at Muzaffarpur under the Smart city project in the name of beautification of Jalkar after following the provisions of Wetland (Conservation & Management) Rules, 2017.



2. Learned counsel for the petitioner submitted that the Brahampura Man East & West having an area about 165 Acres situated at Muzzafarpur has been settled with the petitioner's society for the period 2019-20 to 2021-22 by the Fisheries Department. The aforesaid Jalkar is protected under the provision of Wetland (Conservation and Management) Rules, 2017 under the Smart City Project but there is planning for development of the Jalkar by constructing road & park etc. The petitioner being aggrieved approached before the Bihar State Wetland Authority for protecting the Jalkar by submitting an application on 01.06.2020 and after considering the application of the petitioner, the Member and Secretary, Bihar State Wetland wrote a letter to the Rural Development and Housing Department, Bihar, Patna and District Magistrate, Muzaffarpur vide letter no. 304 on 23.07.2020 informing them that according to the provisions of Wetland (Conservation & Management) Rules, 2017 any type of construction of work is restricted.

3. A counter affidavit has been filed on behalf of the State.

4. It has been stated in Para-8 of the counter affidavit that the Brahampura Man situated in Mushahri Block under the



Town and District Muzaffarpur having an area of about 165 acre is not notified as a Wetland under the Wetland (Conservation & Management) Rules, 2017. In Para-11 of the counter affidavit the aforesaid statement has been reiterated.

5. The petitioner has not filed any rejoinder to counter affidavit filed on behalf of the State.

6. In absence of any material to suggest that the Jalkar in question is notified as Wetland under (Conservation & Management) Rules, 2017, no mandamus can be issued by the Court to beautify the Brahampura Man situated at Mushahri block and preserve it in terms of the Wetland (Conservation and Management) Rules, 2017.

7. Accordingly, the application being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

(Shailendra Singh, J)

sangam/-
siddharth

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

