

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6110 of 2022

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Tahir Hussain Son of Late Mohammad Baskarim Ex- councillor-cum-
President of District Farmer Development Association Gopalganj, Resident of
Ward No.25, Dargah Road, P.S. Gopalganj, District Gopalganj, Bihar-
841428.

... .. Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Water Resources Department through its Principal Secretary,
Government of Bihar, Patna.
4. The Agriculture Department through its Principal Secretary, Government of
Bihar, Patna.
5. The Principal Secretary, Water Resources Department, Government of Bihar,
Patna.
6. The Principal Secretary, Agriculture Department, Government of Bihar,
Patna.
7. The Divisional Commissioner, Chhapra, Saran.
8. The Deputy Development Commissioner, Gopalganj.
9. The District Magistrate, Gopalganj.
10. The Sub Divisional Officer, Gopalganj, Sadar Gopalganj.
11. The Executive Engineer, Flood Control Division, Gopalganj.
12. The Executive Officer, Nagar Parishad, Gopalganj.
13. The Chairman, Bihar State Pollution Board, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Ashish Giri, Advocate
For the State	:	Mr. Vinay Kirti Singh, GA-2

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 21-04-2023

Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner has filed the present Public Interest Litigation, seeking the following reliefs :-

“i. To issue a writ/order/ direction in the nature of mandamus commanding the respondents to open sluice gate of Gandak River at Hirapakar which regulates the flow of water from Gandak River to Dhankar Nala which has been closed in the year 2003 by the respondent authorities.

ii. To issue a writ/order/ direction in the nature of mandamus directing the respondent authorities for reviving of Dhankar Nala so as to grow and maintain agricultural crops by the farmers, since due to the action/inaction of the authorities the Dhankar Nala has dried up and being blocked in many places wholly affecting the agriculture and livelihood of the people in the area and also depriving the people of their right to access to natural resources of the state.

iii. For direction to the respondent authorities to immediately open the sluice



gate constructed at Hirapakar locally known as Hirapakar sluice gate during pendency of this case.

iv. To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

3. Affidavits filed earlier reveal that in 2003, the sluice gate was completely blocked since antisocial elements used to open the gate inundating a large population behind the Saran embankment and the Gopalganj town leading to loss of life and property. Authorities, however, are conscious of the significance of reviving the ‘Chhari’ river. They decided to prepare a detailed project report under the River Interlinking Scheme. Several teams were constituted for detailed survey under the Inter State River Link Scheme. The encroachments in the dried up river have been and are being identified, and a new proposed sluice gate has also been designed. The matter, in substance, is actively being pursued for reviving the river, which is a mammoth task dealing with a river which is said to be of about 167 KM.

4. The multi dimensional issues apparent from the counter affidavit, viewed with the averments made therein to the effect that the Authorities are proceeding with the issue with the help



of all Authorities, having a holistic view, this Court does not find any reason for continuing with the instant PIL.

5. In view of the above, this PIL need not be kept pending and is disposed off directing expeditious steps taken, as proposed, to revive the river.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	26/04/2023
Transmission Date	

