

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11007 of 2021

Rajiv Ranjan Singh, S/o - Prabhunath Singh, R/o - Village - Damodarpur,
Purab Tola, Near Shiv Mandir, P.O. - Sarai, P.S. - Sarai, District- Vaishali.
At present - Sharma Commercial Institute, Opposite House of Doman
Mahato, Gur Ki Mandi Chouraha, Sher Shah Road, P.O. - Gulzarbagh, P.S. -
Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna - 800015.
2. The Director General (D.G.) Archaeological Survey of India (A.S.I), Dharohar Bhawan, 24, Tilak Marg, New Delhi, Pin Code - 110001.
3. The Principal Secretary, Art, Culture and Youth Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna- 800001.
4. The Principal Secretary, Water Resource Department, Government of Bihar, Sichai (Irrigation) Bhawan, Patna- 800015.
5. The Principal Secretary, Department of Tourism, Government of Bihar, Beerchand Patel Path, Patna- 800001.
6. The District Magistrate (D.M), District- Vaishali, Kachahari Road, Hajipur, District- Vaishali (Bihar), Pin Code - 844101.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Respondent/s : Mr. P.K. Shahi, A.G.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 21-07-2023

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

2. The petitioner has filed the instant application in
the nature of a Public Interest Litigation for the following
relief(s):-

*“1. (i) To direct the concerned respondents to take
necessary steps required for the development,
renovation and beautification of the 2600 years old*



pond named as “Abhishek Pushkarini” which is situated besides the Shanti Stupa at Vaishali district of Bihar whereby the concerned pond in question is ravaged of its natural beauty/purity and its very existence,

(ii) To direct the concerned respondents to take necessary steps to redress the grievances of the petitioner for restoring the natural beauty/purity of the concerned 2600 years old ancient pond in question and by freeing it from illegal encroachment,

iii) To direct the concerned respondents to ensure adequate and constant supply of water in the said pond throughout the year as during summer season it gets dried up.”

3. Having perused the affidavits on record it transpires that as per the counter affidavit filed on behalf of the Principal Secretary, Water Resource Department, Government of Bihar, the Department of Tourism, Government of Bihar got sanctioned Rs.8,94,41,700/- for renovation of *Abhishek Pushkarni*. Technical sanction was accorded by the Chief Engineer, Irrigation Creation, Water Resource Department, Motihari for estimate of the various works which included construction of pipe and pump for lift scheme, de-silting of pond and disposal of soil, de-silting chamber, sump well, pump house, boundary wall, etc. Thereafter, work was allotted to a contractor and agreement was entered into between the



contractor and the Executive Engineer, Tirhut Canal Division, Hajipur. It is further stated in the counter affidavit that till the date of filing of the affidavit physical progress of the work was 50.70% and the remaining work was going on. Further, with respect to construction of boundary wall, de-silting, pump house etc. as stated above was complete and 75% of the pipe laying work was also complete. So far as encroachment is concerned, Encroachment Case no. 5/2021-22 has also been initiated and is proceeding against the encroachers.

4. In view of the detailed stand of the respondents in the counter affidavit, contents of which have been referred to herein above, the Court finds that steps have been taken by the respondents and no further direction is required to be given for the present.

5. This writ application stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	01.08.2023.
Transmission Date	N/A

