

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9692 of 2015

Ram Punit Choudhary Son of late Asharfi Choudhary Resident of village
Chandchour Mathurapur, P.o. Mathurapur, P.s ujiarpur- District Samastipur
Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Government of Bihar, Old Secretariat Patna.
3. The Principal Secretary Home, Government of Bihar.
4. The Director General of Police, Bihar, Patna.
5. The Principal secretary, Land Revenue and Reforms , Govt. of Bihar, Patna.
6. The Principal Secretary, Department of Animal Husbandry and Fishery
Resource Department, Government
7. The District Magistrate, Patna.
8. The District Magistrate, West champaran.
9. The District Magistrate,East Champaran.
10. The District Magistrate,Shivhar.
11. The District Magistrate,Sitamarhi.
12. The District Magistrate,Madhubani.
13. The District Magistrate,Supaul.
14. The District Magistrate,Araria.
15. The District Magistrate,Kisanganj.
16. The District Magistrate,Purnia.
17. The District Magistrate,Katihar.
18. The District Magistrate,Madhepura.
19. The District Magistrate,Saharsa.
20. The District Magistrate,Darbhanga.
21. The District Magistrate,Muzaffarpur.
22. The District Magistrate,Gopalganj.
23. The District Magistrate, Siwan.
24. The District Magistrate, Saran,.
25. The District Magistrate,Vaishali.
26. The District Magistrate, Samastipur.
27. The District Magistrate,Begusarai.
28. The District Magistrate,Khagaria.



29. The District Magistrate, Bhagalpur.
30. The District Magistrate, Banka
31. The District Magistrate, Munger.
32. The District Magistrate, Lakhisarai.
33. The District Magistrate, Sheikhpura.
34. The District Magistrate, Nalanda.
35. The District Magistrate, Bhojpur.
36. The District Magistrate, Buxar
37. The District Magistrate, Kaimur.
38. The District Magistrate, Rohtas.
39. The District Magistrate, Arwal.
40. The District Magistrate, Jehanabad.
41. The District Magistrate, Aurangabad.
42. The District Magistrate, Gaya
43. The District Magistrate, Nawada.
44. The District Magistrate, Jaumi
45. The District Fisheries Officer, Patna
46. The District Fisheries Officer, West Champaran.
47. The District Fisheries Officer, East Champaran.
48. The District Fisheries Officer, Shivhar.
49. The District Fisheries Officer, Sitamarhi.
50. The District Fisheries Officer, Madhubani.
51. The District Fisheries Officer, Supaul.
52. The District Fisheries Officer, Araria.
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63. The District Fisheries Officer, Vaishali.
64. The District Fisheries Officer, Samastipur.
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70. The District Fisheries Officer, Lakhisarai.
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73. The District Fisheries Officer, Bhojpur.
74. The District Fisheries Officer, Buxar.
75. The District Fisheries Officer, Kaimur.
76. The District Fisheries Officer, Rohtas.,
77. The District Fisheries Officer, Arwal.
78. The District Fisheries Officer, Jehanabad.
79. The District Fisheries Officer, Aurnagabad.
80. The District Fisheries Officer, Gaya.,
81. The District Fisheries Officer, Nawada.
82. The District Fisheries Officer, Jaumui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the Respondent/s : Mr. Lalit Kishore, Sr. Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 21-07-2023

1. Heard learned counsel for the parties.
2. The petitioner, who describes himself to be a public spirited person, has filed the instant Public Interest Litigation for the protection, maintenance and improvement of the public water bodies like the *Pokhara, Talab, Jalkar, Aahar,*



Pain etc.

3. The writ application which was filed in the year 2016 was taken up by this Court and as directed, steps were taken by the respondent authorities for removal of encroachment from the public water bodies and large number of affidavits were filed from time to time by the respondents with respect to the progress in removal of the encroachments and restoration of the water bodies.

4. By different orders, on not being satisfied, with the steps taken for removal of encroachments, this Court directed for appearance of the Circle Officers of different Circles, District wise and interacted with them. Steps were taken of identifying the water bodies within their jurisdiction and taking steps for removal of the encroachments over the same, if any. Status report, Circle wise, was filed by them giving the details which included the total number of water bodies, the number of which were free from encroachment and the number of water bodies on which steps were required to be taken to free them from encroachment. From time to time, the Circle Officers appeared before the Court in person and filed their respective affidavits giving the above details and also in reference to the chart provided by them mentioned about the



time they would require to remove the remaining encroachments.

5. It may be mentioned here that steps were taken by the respective Circle Officers for removing the encroachments from the water bodies falling within their respective territorial jurisdiction and this Court also noted its appreciation in different orders. This Court further directed for removal of the encroachments within a reasonable period with a direction to the District Magistrate to personally monitor the operations. The respective Senior Superintendent of Police were further directed to provide police force, should the officers make any request in that regard. Attention of the Court was also drawn by learned counsel for the petitioner to the Government notification dated 22.8.2016 wherein each one of the Circle Officers/stakeholders was mandatorily required to upload the information in a prescribed format.

6. Having perused the material on record, the affidavits filed and the progress in removal of the encroachment as is evident from the affidavits filed by the District Magistrates, in the opinion of this Court, considerable steps have been taken and efforts made in removal of the encroachment. This Court hopes and expects that steps taken



by the authorities will be taken to its logical conclusion and thus the instant application is being disposed of with the following directions:-

(i) The Circle Officers will prepare a chart every three months in the format prescribed by this Court in this case giving the total number of water bodies and the total number of water bodies from which encroachments are required to be removed and shall submit the same to their respective District Magistrates on 1st of January, 1st of April, 1st of July and 1st of October respectively.

(ii) The District Magistrate shall personally look into and monitor the matter and take all possible steps in accordance with law for removal of the encroachments from the water bodies.

(iii) The Senior Superintendent of Police/Superintendent of Police of the respective districts shall provide adequate police force as and when requisitioned by the authorities/Circle Officers for the above purpose.

(iv) It shall be the duty of the Circle Officers to keep a watch that none of the water bodies are once again encroached upon.

7. Let a copy of this order be communicated to



the District Magistrates of all districts for its onward communication to the Circle Officers for its due compliance.

8. The writ application stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.08.2023.
Transmission Date	

