

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10078 of 2024

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Baidyanath Prasad Son of Shiva Parshi Ray, (The Secretary of Gramin Vikash Manch, Shahpur Diara), Resident of Vill- Shahpur Diara, P.S.- Sonepur, Dist- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Water Resources, Govt. of Bihar, Patna.
4. The Secretary, Forest and Environment, Govt. of Bihar, Patna.
5. District Magistrate, Saran, Chapra.
6. Superintendent of Police, Saran, Chapra.
7. Sub. Divisional Officer, Sonepur, Saran.
8. Block Development Officer, Sonepur, Saran.
9. Circle Officer, Sonepur, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhananjay Mishra, Advocate
For the Respondent/s	:	Mr.P.K.Shahi, A.G.
		Mr. Vikas Kumar, AC to AG

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

Date : 23-08-2024

The petitioner has filed the above writ petition alleging that there is apprehension of construction of houses in the ‘*Mahi*’ river, which is a drainage river flowing through different blocks of Saran District, which merges into the *Gandak* river. The apprehension is that the construction of



houses in the river bed would result in blockage of water and accentuate the flood situation.

2. The Public Interest Litigation has been filed without any of the parties who are attempting such construction in the river bed; impleaded.

3. The learned Counsel for the petitioner specifically refers to a judgment in CWJC No. 7748 of 2013 which was disposed of on 22.08.2013, produced along with the writ petition. The allegation was the very same, of construction on the river bed of '*Mahi*'. There was a specific direction issued that water ways would not be encroached or blocked through temporary or permanent structures and that all encroachments will be removed by the District Administration. As far as the submission of the Water Resource Department regarding indispensable constructions, it was held that this does not meet with the approval of the court and that no construction should be made on the river bed.

4. As pointed out by the learned Advocate General, already there is a direction issued and there is no requirement for repeated directions on the same issue. We also notice that the counter affidavit specifically avers that there was some encroachments reported on the western side, which are taken up



for removal after following due process of law. Obviously, notices will have to be issued to the encroachers and the constructions removed.

5. In such circumstances, we do not find any reason to keep the writ petition pending. Appropriate action shall be taken as stated in the counter affidavit for removal of such encroachments.

6. We close the writ petition with the above reservation.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	27.08.2024
Transmission Date	

