

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12323 of 2024

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Santosh Kumar @ Santosh Kumar Gupta Son of Surendra Prasad, R/o - Bara Bazaar, Motipur, Faria Patti Nagar Parishad Motipur, Ward No. 13, Bakhri, P.S. Motipur, P.O.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate(D.M), Collectorate, District- Muzaffarpur, Bihar, Pin Code- 842001.
2. The Circle Officer (C.O), Circle Office- Motipur, District- Muzaffarpur, Pin Code- 843111.
3. The Principal Secretary, Urban Development Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna (Bihar) Pin Code- 800015.
4. The Exucutive Officer, Nagar Parishad, Motipur, District- Muzaffarpur, Bihar, Pin Code- 843111.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Singh, Advocate
For the Respondent/s : Mr. P.K.Shahi, Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

- 223-08-2024
1. Heard learned counsel for the petitioner and learned counsel for the respondent.

2. The petitioner has filed the instant application in the nature of public interest litigation for a direction to the



respondents to take urgent steps for restoration of the ancient Mansarovar pond located in the Motipur Nagar Parishad, Ward no.13 to its original nature and character, to complete the restoration of the said pond and for other reliefs.

3. It is the case of the petitioner that he filed CWJC no.7525 of 2020 for similar reliefs and the same was disposed of by an order dated 12.7.2021 with liberty to the petitioner to approach the authority concerned by filing a representation for redressal of his grievances and which was to be disposed of by a reasoned speaking order within the time fixed. The petitioner accordingly filed a representation. The same not having been disposed of, a contempt application (MJC no.2178 of 2021) was filed, however, during pendency of the same, the representation of the petitioner was disposed of by order dated 8.2.2022. Accordingly, by order dated 29.8.2023 the contempt application was dropped reserving liberty to the petitioner to assail the order dated 8.2.2022 in accordance with law.

4. Learned counsel for the petitioner further refers to the different orders passed by the Principal Bench at New Delhi of the National Green Tribunal and other orders of the Hon'ble Supreme Court as also order dated 21.7.2023 by this Court in CWJC no. 9692 of 2015 to submit that the grievance of



the petitioner as raised in his representation have not been redressed and the pond has not been restored to its original position.

5. Learned counsel for the respondents referring to the order dated 8.2.2022 passed by the Executive Officer of the Motipur Nagar Parishad submits that there is compliance of the directions of this Court as contained in order dated 12.7.2021 passed in CWJC no.7525 of 2020.

6. Having heard learned counsel for the parties and having perused the material on record, it transpires from the contents of the order dated 8.2.2022 passed by the Executive Officer, Nagar Parishad, Motipur that so far as the allegation of the pond having been converted into a dumping ground for garbage is concerned, the same is absolutely incorrect and it has never been used for such purpose. In fact, while the Mansarovar pond is in Ward no.7, the Motipur Nagar Parishad has demarcated an area in Ward no.14 for separation of different types of garbage and its resultant conversion to fertilizer. Specific steps have been taken so that no garbage should be dumped near the pond and a board with warning has been put up that in case any garbage is dumped, penalty will be imposed.

7. It further transpires from the stand of the



respondents as borne out from the order dated 8.2.2022 read with the counter affidavit filed in the connected writ application that the land in question is recorded in the name of Motipur Jamindar Company in the Revisional Survey Records of Rights. Steps for renovation could only be done of those ponds of which the Nagar Panchayat Motipur has title. It is further stated that so far as sale of articles by footpath vendors are concerned, at a distance of about 50 meters from the pond, a vending zone is being constructed and the foot path vendors would be shifted to this area marked as vending zone.

8. In view of the facts and circumstances of the case, this Court finds that several directions have already been given by this Court in various orders including the order dated 21.7.2023 passed in CWJC no.9692 of 2015. Further steps having been taken by the respondent authorities is also borne out from the order dated 8.2.2022 disposing of the petitioners representation and repeated directions on similar lines is not required to be given in the facts and circumstances of the case as the Court is satisfied that the respondents have taken steps in the matter.

9. In the opinion of the Court no further order is required to be passed in the instant application. The application



stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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