

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8837 of 2025

1. Pradip Kumar Gupta Son of Late Mahavir Prasad, Resident of Village- Ward No. 4, Nagar Panchayat Chanpatia, Post and Police Station-Chanpatia, District-West Champaran.
2. Anuj Kumar Son of Shri Kamlesh Sah, Resident of Village-Chanpatia, Post and Police Station-Chanpatia, District- West Champaran.
3. Neeraj Kumar, Son of Late Raghunath Manjhi, Resident of Village-Chanpatia, Post and Police Station-Chanpatia, District-West Champaran.
4. Om Prakash Shrivastav Son of Haribasant Prasad, Resident of Ward No.1, Nagar Panchayat Chanpatia, Post and Police Station-Chanpatia, District-West Charatia, Camparan.
5. Nehal Das Son of Shri Bhola Das, Resident of Village-Pakrihar Ward No.14, Nagar Panchayat Chanpatia, Post and Police Station-Chanpatia, District-West Champaran.
6. Kailash Das Son of Ramlal Das, Resident of Village- Pakarihar Ward No.14, Nagar Panchayat Chanpatia, Post and Police Station- Chanpatia, District-West Champaran.
7. Khalid Husain Ansari Son of Late Md. Kamrool Hoda, Resident of Nagar Panchayat Chanpatia, Post and Police Station-Chanpatia, District-West Champaran.
8. Subas Chaudhary Son of Shri Rajaram Chaudhary, Resident of Village-Nuniyawa Tola, Post-Bakulahar Math, Police Station-Chanpatia, District-West Champaran.
9. Raj Kumar Mahato Son of Shri Bhikhar Mahato, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
10. Jitendra Thakur Son of Shri Sinhasan Thakur, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
11. Arjun Yadav Son of Shri Asarfi Yadav, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
12. Saroj Prasad Kushwaha Son of Shri Babulal Prasad Kushwaha, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
13. Kanhaiya Mahato Son of Lakshami Mahato, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
14. Ravindra Mahato Son of Shri Mahendra Mahato, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur,



District-West Champaran.

15. Ankit Kumar Son of Shri Kedar Sharma, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
16. Vashishth Mahato Son of Shri Mohan Mahato, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
17. Umesh Mahato Son of Shri Chanchal Mahato, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
18. Shailesh Kumar Son of Shri Jhapas Mahato, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
19. Deepak Kumar Son of Shri Sitaram Baitha, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
20. Sujit Kumar Son of Shri Arjun Yadav, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
21. Dharmanath Prasad Kushwaha Son of Ramraj Prasad Kushwaha, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
22. Kari Prasad Kushwaha Son of Shivashankar Prasad Kushwaha, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
23. Paras Thakur Son of Indrasan Thakur, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
24. Jawahar Thakur Son of Satyanarayan Thakur, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
25. Madan Sharma Son of Banshi Sharma, Resident of Village-Mohachhi Sugar Ghogha, Post Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
26. Vikash Kumar Gupta Son of Shri Bhuneshwar Prasad Gupta, Resident of Village-Mohachhi Sugar Ghogha, Post-Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.
27. Ramji Bhagat Son of Prayag Bhagat, Resident of Ghogha, Police Station-Gopalpur, District-West Champaran.
28. Mohan Yadav Son of Nathuni Yadav, Resident of Village-Mohachhi Bankatwa, Police Station-Majhauria, District-West Champaran.
29. Md. Pharuqe Son of Late Shekh Salim, Resident of Village-Semra Ghat,



Police Station-Majhauria, District-West Champaran.

30. Shaikat Ali Son of Late Sheikh Mahammad, Resident of Village-Semra Ghat, Police Station- Majhauria, District-West Champaran.
31. Afaq Ahmad Son of Anwarul Haque, Resident of Village-Semra Ghat, Police Station-Majhauria, District-West Champaran.
32. Afroz Alam Son of Faijul Hoda, Resident of Semra Ghat Ward No.4, Police Station-Majhauria, District-West Champaran.
33. Ali Asgar Son of Hasan Imam, Resident of Bhogari, Police Station-Majhauria, District-West Champaran.
34. Safi Ahmad Son of Sheikh Imamuddin, Resident of Village-Semra Ghat, Police Station-Majhauria, District-West Champaran.
35. Ali Ahmad Son of Late Sheikh Jamir, Resident of Village-Semra Ghat, Police Station-Majhauria, District-West Champaran.
36. Asgar Ali Son of Sheikh Jannat, Resident of Village- Semra Ghat, Police Station- Majhauria, District-West Champaran.
37. Shamim Tabarej Son of Vaishakarani, Resident of Village-Semra Ghat, Police Station-Majhauria, District-West Champaran.
38. Mohammad Jyauddin Son of Mohammad Allauddin, Resident of Village-Harpur Gadhawa Panchayat, Ward No.14, Post- Harpur, Police Station-Majhauria, District-West Champaran.
39. Kamarujjaman Son of Sheikh Aliemam, Resident of Village-Harpur Gadhawa Ward No.5, Police Station-Majhauria, District-West Champaran.
40. Tabrej Alam Son of Late Amzad, Resident of Village-Gadhawa Bazar Ward No.13, Post Harpur, Police Station-Majhauria, District-West Champaran.
41. Meer Motiur Rahman Son of Late Meer Bismillah, Resident of Village-Gadhawa Bazar Ward No. 16, Post Harpur, Police Station- Majhauria, District-West Champaran.
42. Aarif Ahmad Son of Bunad Miyan, Resident of Village-Gadhawa Bazar, Ward No. 7, Post- Birwa Harpur, Police Station-Majhauria, District-West Champaran.
43. Sheikh Ali Akhtar Son of Sheikh Abdul Ganni, Resident of Gadhawa Bazar, Ward No.7, Post-Birwa Harpur, Police Station-Majhauria, District-West Champaran.
44. Md. Ezaj Son of Md. Makbool, Resident of Gadhawa Bazar, Ward No.9, Post-Harpur, Police Station-Majhauria, District-West Champaran.
45. Meer Naushad Son of Meer Kalam, Resident of Gadhawa Ward No.5, Post-Birwa, Police Station-Majhauria, District-West Champaran.
46. Firoz Shah Son of Late Wakil Shah, Resident of Village-Bathana Ward No.3, Post-Birwa, Police Station-Majhauria, District-West Champaran.
47. Deepak Kumar Son of Punyadeo Ram, Resident of Village- Gadhawa Ward No.6, Post-Birwa, Police Station-Majhauria, District-West Champaran.



- 48. Anwarool Pintu Son of Makbool Miyan, Resident of Village-Bathana, Ward No.2, Post- Birwa, Police Station- Majhaulia, District- West Champaran.
- 49. Sk. Mohisul Haque Son of Sk. Yasin, Resident of Village-Bathana, Post- Birwa, Police Station-Majhaulia, District-West Champaran.

... .. Petitioner/s

Versus

- 1. The State of Bihar Through The Additional Chief Secretary, Public Health Engineering Department, Government of Bihar, Patna
- 2. The Additional Chief Secretary, Public Health Engineering Department, Government of Bihar, Patna.
- 3. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
- 4. The District Magistrate, West Champaran, Bettiah.
- 5. The Superintending Engineer, Flood Control and Water Conservation Circle, Motihari.
- 6. The Executive Engineer, Sikrahana Dam Division, Motihari.
- 7. The Circle Officer, Chanpatia, District West Champaran.
- 8. The Circle Officer, Majhaulia, District-West Champaran.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

5 02-12-2025 The writ application has been filed for the following
reliefs:

“i) For issuance of writ in the nature of mandamus directing the respondents to not to widen the boundary of Sikrahana River and construction of Dam.



ii) *For directing the respondents to demarcate the land as per old map and to repair/construct the permanent flank/ boundary of Sikrahana River to prevent any mishap in future in place of widening the boundary and constructing the new dam.*

iii) *For directing the respondents to not to waste the huge amount of Rs.239 Crores public exchequer.*

iv) *For issuance of writ in the nature of mandamus refraining the respondents and like other officers of the District West Champaran from their wilful and negligent act and also from improprieties, defalcation and misuse of the public fund.*

v) *For any other relief/reliefs, for which the petitioners are entitled for and/or in the Public Interest”*

2. Upon perusal of the reliefs sought, it appears that the Government has taken a decision to construct an embankment at an estimated cost of Rs. 239 crores/-. In pursuance to that a counter affidavit has been filed on behalf of respondent Nos. 3, 5 and 6, the relevant paragraphs of which are extracted hereinbelow:

“12. That it is stated that during first phase of construction of the right Sikraha embankment (1989-90), the embankment could be constructed in approx 22 km length only which starts from Kataha Sheikh Toli of Motihari sadar block and ends at Vardaha village. Now proposal was submitted for construction of the embankment over remaining part of the alignment which starts from Chanpatia and ends to Kataha village of Motihari Sadar block (56.22 km length). The said proposal for estimated cost of Rs.239.6268 crore was accepted by Advisory Committee of Department of Water Resources, River Development & Ganga Rejuvenation, Govt. of India in its 153rd meeting held on 14th November 2023 at New



Delhi. The State Government in its Water Resources department has sanctioned the required fund for construction of the embankment vide letter no. 697 dated 15.03.2024.

13. That it is stated that due to the flooding of the Sikrahana River, in the years 1986, 1998, 2001, 2004, 2007, 2017, 2019, 2020, and 2021, widespread flooding has occurred in the West Champaran and East Champaran districts. It would appear from the salient features of the scheme that presently average annual rainfall in river basin is 1283 mm and maximum discharge of the river at Chanpatia railway-bridge is 75000 cusec water. After construction of the embankment, approx. 69606 hectare area will be protected from the disaster of flood in Chanpatiya and Majhauria blocks of West Champaran and Sugauli, Banjariya, Motihari sadar blocks of East Champaran from flooding of Sikrahana river. As a result, around 235,000 people will be able to benefit from this protection. According to the Disaster Management Department, Bihar Government, between 2015-2024, the Government of Bihar has spent 68847.52 lakh on flood relief in West and East Champaran districts. Currently, the estimated cost for the construction of the embankment is 23615.70 lakh. In East Champaran district's Motihari Sadar Block, there exists a 21.78 km long embankment, which starts from Sheikh toil village in Kataha panchayat and ends at confluence point of Dhanauti river in Vardaha panchayat. In the absence of embankment in upper reach of existing embankment on the right side of the Sikrahana River, floodwaters overflow and spread into the rural areas (countryside), causing damage to villages in Kataha, Ramsingh Chhitauni, Basmanpur, Tikuliya, madhubanighat and vardaha panchayat. The floods severely impact agriculture, livelihoods, and general life. After the construction of this embankment, the right-side flow of the Sikrahana River will be controlled, preventing flooding in these areas and providing significant relief and protection to the agricultural activities and local population.

14. That it would not be out of place to



mention that a large number of flood affected people of the locality have submitted public petition under the banner of 'Sikrahna Tatbandh Nirman Sangharsh Samiti' on 31.01.2025 requesting for early construction of the embankment to save them from The recurring mishap of flood.

15. That it would be evident from the aforesaid facts that after detailed study and analysis the Sikrahna Embankment Scheme was prepared and sanctioned by the concerned authority of the Govt. of India as well as the Govt. of Bihar to protect the large population of the West Champaran and East Champaran districts from recurring disaster of flood and in that course the embankment has already been constructed in about 22 km length and now the scheme has been sanctioned for construction of embankment over remaining part of the alignment in about 56 km length. Thus the scheme is in the interest of public at large but the petitioners have approached this Hon'ble Court in protest of this scheme with some personal/vetted interest best known to them. The Executive Engineer, Sikrahna Embankment Division, Motihari has submitted a detailed report in this regard before the concerned authority of the District Administration, West Champaran vide letter no. 1523 dated 14.12.2024 and before the District Magistrate, East Champaran vide letter no. 171 dated 06.02.2025.

3. Considering the statements made in the counter affidavit, it is evident that the embankment and its proposed alignment are matters falling within the domain of a technical Consultant, whose expertise guides the planning and construction of such embankments.

4. We, therefore, find no justifiable ground to interfere with the construction of the embankment along the river.

5. With the aforesaid observations, the writ



application stands disposed of.

6. Pending application(s), if any, shall stand disposed
of.

(Sudhir Singh, ACJ)

(Alok Kumar Pandey, J)

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