

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12928 of 2025

1. Sikrahana River Embankment Protest by the Villagers namely, Yogi Mahto aged about 56 years, Male, Son of Late Hari Narayan Mahto, Resident of Village- Madhumalti, Post- Chhapra Bahas, Police Station- Sugauli, District- East Champaran.
2. Manoj Kumar, Son of late Ramchandra Prasad, Resident of Village- Madhumalti, Post- Chhapra Bahas, Police Station- Sugauli, District- East Champaran.
3. Arun Kumar, Son of Late Ravindra Prasad, Resident of Village- Madhumalti, Post- Chhapra Bahas, Police Station- Sugauli, District- East Champaran.
4. Pradeep Kumar, Son of Late Shivpujan Sah, Resident of Village- Madhumalti, Post- Chhapra Bahas, Police Station- Sugauli, District- East Champaran.
5. Ramchandra Sahni, Son of Late Guli Sahni, Resident of Village- Kaithwaliya, Near Kaithwaliya Middle School, Post- Kaithwaliya, Police Station- Sugauli, District- East Champaran.
6. Rajesh Pandey, Son of Shri Janardan Pandey, Resident of Village- Kaithwaliya Ward No.3, Post and Police Station- Sugauli, District- East Champaran.
7. Shubham Kumar, Son of Shri Dinesh Sahni, Resident of Village- Bhawanipur, Post- Chhapra Bahas, Police Station- Sugauli, District- East Champaran.
8. Chandra Kishore Prasad, Son of Late Baldeo Prasad Yadav, Resident of Ward No. 11. Nimui, Post and Police Station- Sugauli, District- East Champaran.
9. Shekh Wojair, Son of Late Shekh Ijhar Hussain, Resident of Ward No. 11, Nimui Pawariya Tola, Post and Police Station- Sugauli, District- East Champaran.
10. Tabrez Hussain, Son of Shri Mozahir Hussain, Resident of Ward No. 11 Nimui Pawariya Tola, Post and Police Station- Sugauli, District- East Champaran.
11. Nawal Sahni, Son of Shri Ramesh Sahni, Resident of Ward No.8, Bhawanipur, Post- Chhapra Bahas, Police Station- Sugauli, District- East Champaran.
12. Shailendra Kumar, Son of Late Chandrika Prasad, Resident of Village- Madhumalti, Post- Chhapra Bahas, Police Station- Sugauli, District- East Champaran.
13. Khurram, Son of Shri Noorulain, Resident of Ward No. 12, Siswaniya, Post and Police Station- Banjariya, District- East Champaran.



14. Ekbal Ahamad, Son of Late Shekh Abbas, Resident of Village- Siswaniya, Pachrukha Post- Siswaniya, Police Station- Banjariya, District- East Champaran.
15. Md. Naeem, Son of Shri Md. Bhola, Resident of Village and Post- Siswaniya, Police Station- Banjariya, District- East Champaran.
16. Dilnawaz, Son of Shri Ekbal Ahmad, Resident of Ward No. 12, Siswaniya Panchrukha, Post- Siswaniya, Police Station- Banjariya, District- East Champaran.
17. Bipin Lal Sahni, Son of Late Lakhichand Sahni, Resident of Mehwa, Post- Chhapara Bahas, Police Station- Sugauli, District- East Champaran.
18. Pawan Kumar Chaurasiya, Son of Shri Ram Agaya Prasad, Resident of Village and Post- Kaithwaliya, Police Station- Sugauli, District- East Champaran.
19. Nandu Sahni, Son of Late Chandradeep Sahni, Resident of Village and Post- Sapahan, Police Station- Sugauli, District- East Champaran.
20. Rajendra Sahni, Son of Late Bishun Sahni, Resident of Village and Post- Sapahan, Police Station- Sugauli, District- East Champaran.
21. Shah Faizal, Son of Md. Abdul Kayum, Resident of Village- Mohammadpur, Post- Siswaniya, Police Station- Banjariya, District- East Champaran.
22. Abdul Kalam, son of Late Abdul Wahab, Resident of Village- Mohammadpur, Post- Siswaniya, Police Station- Banjariya, District- East Champaran.
23. Shekh Kayum, Son of Late Shekh Maneer, Resident of Village- Mohammadpur, Post Siswaniya, Police Station- Banjariya, District- East Champaran.
24. Mojahid Hussain, Son of Late Hakim Abdul Khaleek, Resident of Village- Mohammadpur, Post Siswaniya, Police Station- Banjariya, District- East Champaran.
25. Ghanshyam Kumar Singh, Son of Shri Abhay Pratap Singh, Resident of Village and Post- Mokalishpur, Police Station- Banjariya, District- East Champaran.
26. Arun Pandit, Son of Late Jay Pandit, Resident of Village and Post- Mokalishpur, Police Station- Banjariya, District- East Champaran.
27. Nathuni Pandit, Son of Late Chandar Pandit, Resident of Village and Post- Mokalishpur, Police Station- Banjariya, District- East Champaran.
28. Manju Devi, Wife of Shri Gadar Mahto, Resident of Village and Post- Mokalishpur, Police Station- Banjariya, District- East Champaran.
29. Ganga Ram, Son of Late Langad Ram, Resident of Village and Post- Sapahan, Police Station- Sugauli, District- East Champaran.
30. Jay Narayan Mukhiya, Son of Late Ramashray Mukhiya, Resident of Village and Post- Sapahan, Police Station- Sugauli, District- East Champaran.



31. Deena Rai, Son of Late Babu Lal Rai, Resident of Village- Kaparsandi, Post-Semra, Police Station- Turkauliya, District- East Champaran.
32. Munna Kumar Yadav, Son of Late Lalbabu Yadav, Resident of Village- Kaparsandi, Post- Semra, Police Station- Turkauliya, District- East Champaran.
33. Maithili Sharan, Son of Late Lalji Prasad, Resident of Village- Gobari, Post-Mokalishpur, Police Station- Banjariya, District- East Champaran.
34. Suman Kumar, Son of Late Subhash Chandra Prasad, Resident of Village- Gobari, Post- Mokalishpur, Police Station- Banjariya, District- East Champaran.
35. Rajan Kumar, Son of Shri Prabhu Sharan Prasad, Resident of Village- Gobari, Post- Mokalishpur, Police Station- Banjariya, District- East Champaran.
36. Raj Narayan Kumar, Son of Shri Hridya Narayan Prasad, Resident of Village- Gobari, Post- Mokalishpur, Police Station- Banjariya, District- East Champaran.
37. Md. Hasbullah, Son of Late Abdul Bari, Resident of Village- Jatwa, Post-Siswaniya, Police Station- Banjariya, District- East Champaran.
38. Md. Reyajul Haque, Son of Md. Shamimool Haque, Resident of Village- Jatwa, Post- Siswaniya, Police Station- Banjariya, District- East Champaran.
39. Shamimul Haque, Son of Shri Najmuddin, Resident of Village- Jatwa, Post-Siswaniya, Police Station- Banjariya, District- East Champaran.
40. Ruhul Haque, Son of Late Shekh Mansur, Resident of Village- Jatwa, Post-Siswaniya, Police Station- Banjariya, District- East Champaran.
41. Md. Monaf, Son of Late Yakinuddin, Resident of Village and Post- Janerwa, Police Station- Banjariya, District- East Champaran.
42. Jalaluddin, Son of Late Shekh Rasul, Resident of Village and Post- Janerwa, Police Station- Banjariya, District- East Champaran.
43. Mahroj Kaushar, Son of Shri Kaushar Jaman, Resident of Village and Post- Janerwa, Police Station- Banjariya, District- East Champaran.
44. Ali Hasan, Son of Shri Nabi Hasan, Resident of Village and Post- Janerwa, Police Station- Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Health and Public Welfare Department, Government of India, New Delhi.
2. The Secretary, Irrigation and Flood Control Department, Government of India, New Delhi.
3. The Secretary, Department of Water Resources, River Development and



Ganga Rejuvenation, Government of India, New Delhi.

- 4. The Secretary, National Dam Safety Authority, Government of India, New Delhi.
- 5. The State of Bihar, through the Additional Chief Secretary, Public Health Engineering Department, Government of Bihar, Patna.
- 6. The Additional Chief Secretary, Public Health Engineering Department, Government of Bihar, Patna.
- 7. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
- 8. The District Magistrate, East Champaran, Motihari.
- 9. The District Magistrate, West Champaran, Bettiah.
- 10. The Superintending Engineer, Flood Control and Water Conservation Circle, Muzaffarpur.
- 11. The Executive Engineer, Sikrahana Dam Division, Motihari.
- 12. The Circle Officer, Motihari, District- East Champaran.
- 13. The Circle Officer, Sugauli, District- East Champaran.
- 14. The Circle Officer/Block Development Officer, Banjariya, District East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar, Advocate
For the UOI : Mr. Amish Kumar, Advocate
Mr. Prabhakar Thakur, Advocate

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

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 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 disturb the boundary of Sikrahana River in name of construction of new Dam.*
- ii) For directing the respondents to repair the flank of Sikrahana River to prevent any mishap in*



future in place of widening the boundary or constructing the new dam.

iii) For direction to the respondents to desilting/ dredging or clean the bank of the Sikrahana River as well as to make other structure for water harvesting & storage/ afforestation in the catchment instead of making new dam.

iv) For directing to the respondents to not to waste the huge amount of Rs.239 Crores public exchequer and further to recharge pit in river catchment area to prevent any mishap like flood in future.

v) For constituting a team of Advocates of this Hon'ble Court to make spot verification and after consultation of the villagers/ affected people of that locality to submit a report.

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

2. Upon perusal of the relief sought, it appears that the Government has taken a decision to construct an embankment at an estimated cost of Rs. 239 crores/-. Though no counter affidavit has been filed in the present case, learned counsel for the respondents submits that a similar prayer was made in CWJC No. 8837 of 2025, and the counter affidavit filed therein covers the issues raised here as well. The relevant paragraphs of that counter affidavit 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 Sikrahna 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 Dhanauli 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 Sikrahna 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 said 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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