

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17796 of 2025

Nand Kumar Sagar, Son of Ram Sagar Paswan, Resident of 404, Royal Heritage Apartment, Ashiyana Digha Road, Patna- 800014 And Presently Co-Chairman, Bihar Pradesh Youth Congress, Legal Cell and also a Practitioner at Patna High Court.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Environment, Forest and Climate Change (MoEFCC), Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi- 110003.
2. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna- 800015.
3. The Principal Secretary, Department of Environment, Forest and Climate Change, Government of Bihar, Bihar, Patna.
4. M/s Adani Power Limited through its Managing Director, Adani Power Limited, Adani Corporate House, Shantigram, Near Vaishno Devi Circle, S.G. Highway, Khodiyar, Ahmedabad, 382421 (Gujarat).
5. The Bihar State Pollution Control Board through its Chairman, Beltron Bhawan, Shastrinagar, Patna- 800023.
6. The District Magistrate, Bhagalpur, District Collectorate, Bhagalpur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nand Kumar Sagar, Advocate
For the U.O.I.	:	Dr.K.N.Singh, A.S.G.
	:	Mr. Sanjay Kumar, C.G.C.

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 11-11-2025

Heard learned counsel for the parties.

2. Following reliefs are sought for in the present writ
application:

“a. Issue a Writ in the nature of Mandamus, directing
the Respondent Nos. 1, 3, and 5 (MoEFCC, State Forest



Department, and BSPCB) to forthwith ensure that no construction or preparatory activities, including land clearing or tree felling, are undertaken by the Project Proponent at the site in Pirpainti, Bhagalpur, without obtaining the requisite and valid Environmental Clearance (EC) under the EIA Notification, 2006, Stage-I and Stage-II Forest Clearances under the Forest (Conservation) Act, 1980, and Consents to Establish (CTE) under the Air and Water Acts.

b. Issue a Writ in the nature of Certiorari, calling for the records pertaining to the allocation/lease of approximately 1,050 acres of land in Pirpainti, Bhagalpur, to the Project Proponent and quashing and setting aside any such allocation or lease order that has been passed without adhering to the due process of law, transparency, and public interest considerations.

c. Issue a Writ in the nature of Prohibition, restraining the Respondent authorities and the Project Proponent from undertaking any activity on the said land parcel that could lead to environmental degradation, deforestation, or harm to the Vikramshila Gangetic Dolphin Sanctuary and its environs, pending the final adjudication of this petition.

d. Direct the Respondent No. 1 (MoEFCC) and Respondent No. 3 (State Forest Department) to conduct a thorough and independent inquiry into the allegations of violation of the Forest (Conservation) Act, 1980, and the EIA Notification, 2006.

e. Direct the Respondent No. 5 (BSPCB) to conduct an immediate inspection of the site and submit a report on the compliance status with environmental norms and consent requirements.

f. Order the constitution of an Independent Expert Committee comprising ecologists, environmental scientists, foresters, and socio-economic experts to assess the environmental impact, ecological fragility, biodiversity status (including the Dolphin Sanctuary), socio-economic impact, and compliance with the RFCTLARR Act, 2013, regarding the proposed project and land allocation.

g. Pending the final outcome of this petition and the report of the Independent Expert Committee, grant an interim order of stay on all ongoing or proposed construction and land clearing activities by the Project Proponent at the Pirpainti site.



- h. Direct the Respondents to disclose all documents related to the land allocation, ToR, EIA/EMP, public hearing minutes, Forest Clearances, and Consents Establish/Operate, within a stipulated timeframe.
- i. Pass any such father order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice and for the protection of the environment and the fundamental rights of the citizens.
- j. Issue a Writ in the nature of Mandamus directing the Respondent authorities to ensure that all statutory compliances, including but not limited to the Environmental Impact Assessment process, Forest Clearances, and adherence to the RFCTLARR Act, 2013, are scrupulously followed before any further steps are taken regarding the proposed thermal power project, and to halt any ongoing activities that violate these mandates.

3. After considering the materials on record and the arguments advanced by the learned counsel for respective parties, we are of the considered view that the issues raised in the present writ application pertains to the policy decision of the State Government with regard to establishment and implementation of industrial or infrastructural projects, including matters relating to environmental clearances and land allocation involved in such project. Such decisions necessarily fall within the domain of the competent authorities of the State Government, who are empowered to take an appropriate policy decision in accordance with law and prescribed procedures.

4. In view thereof, we find no merit in the present writ application, and accordingly, the same stands dismissed.



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

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.11.2025
Transmission Date	NA

