

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4446 of 2024

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Ramchandra Yadav Son of Dhuran Yadav Resident of Village- Rahua
Mahmadpur, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. The Divisional Commissioner, Darbhanga.
4. The District Magistrate, Samastipur.
5. Smt. Ambapali Yadav Daughter/ Wife of not known to the petitioner the then Circle Officer- Rosera, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ankit Kumar, Advocate
For the Respondent/s : Mr. Government Advocate (13)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR

ORAL ORDER

5 27-07-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the instant writ petition, the petitioner has prayed
for removal of encroachments, specially on water bodies in the
district of Samastipur.

3. The counsel for the petitioner submits that in the
Rosera Circle/Block several water bodies have been encroached
due to that nearby residents are not able to use the water bodies
like Pokhra, Jalkar, etc. The counsel further submits that
resident of Samastipur district, namely Ram Punit Choudhary



filed a Writ petition in the nature of Public Interest Litigation vide CWJC No. 9692 of 2015 for the protection, maintenance and improvement of public water bodies in which the Hon'ble Court vide Judgment dated 21.07.2023 was pleased to direct the concerned authorities to remove the encroachments from the water bodies. The counsel also submitted that till date many water bodies in the Rosera Circle/Block are encroached and no action has been taken.

4. The counsel for the State submits that authorities concerned are taking positive steps in respect to removal of encroachments.

5. Having heard the parties and perused the order dated 21.07.2023 passed in CWJC No. 9692 of 2015, it is quite clear that the Hon'ble court had issued certain directions in this regard which are as follows:

“(i) The Circle Officers will prepare a chart every three months in the format prescribed by this Court in this case giving the total number of water bodies and the total number of water bodies from which encroachments are required to be removed and shall submit the same to their respective



District Magistrates on 1st of January, 1st of April, 1st of July and 1st of October respectively.

(ii) The District Magistrate shall personally look into and monitor the matter and take all possible steps in accordance with law for removal of the encroachments from the water bodies.

(iii) The Senior Superintendent of Police/Superintendent of Police of the respective districts shall provide adequate police force as and when requisitioned by the authorities/Circle Officers for the above purpose.

(iv) It shall be the duty of the Circle Officers to keep a watch that none of the water bodies are once again encroached upon.”

6. In view of the above direction of the Hon'ble Division Bench, I am of the concerned view that the District Magistrate, Samastipur is duty bound to remove the encroachments from the water bodies. Hence, it is expected that



the District Magistrate, Samastipur will look into the grievance of the petitioner and shall take necessary steps in respect to removal of the encroachments from the water bodies.

7. With the aforesaid direction and observation, the present writ petition is disposed of.

(Alok Kumar, J)

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