

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16051 of 2025

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Lalu Ray, Son of Late Bhuneshwari Ray, Resident of Uttari Dhamaun, P.S.-
Dhamaun, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Environment, Forest and Climate Change Department, Government of Bihar, Patna.
4. The District Magistrate, Samastipur.
5. The Deputy Development Commissioner, Samastipur.
6. The Deputy Collector Land Reforms, Patori, Samastipur.
7. The Commissioner, MGNREGA, Samastipur.
8. The District Programme Officer, MGNREGA, Samastipur.
9. The Sub-Divisional Officer, Patori, Samastipur.
10. The Block Development Officer, Shahpur, Patori, Samastipur.
11. The Circle Officer, Patori, Samastipur.
12. The Bihar State Pollution Control Board through its Chairman, Patna.
13. The Mukhiya, Gram Panchayat Uttari Dhamaun, P.O. and P.S. - Patori, District- Samastipur.
14. Subodh Rai, son of Late Premlal Rai, resident of Village- Uttari Dhamaun, P.O.- Dhamaun, P.S.- Patori, District- Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Syed Hussain Majeed, Advocate Mr. Rakesh Kumar, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General Mr. Vikas Kumar, AC to AG
For Respondent No. 12	:	Mr. Kumar Ravish, Advocate
For Respondent No.13 & Intervenor	:	Mr. J.S. Arora, Sr. Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-02-2026

This writ petition has been filed by Lalu Ray seeking



for the following relief(s):-

- “a) To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents to protect and restore the Pond (Jheel/Jalkar) located at Gram Panchayat Uttari Dhamaun, P.O. and P.S.- Patori, District- Samastipur appertaining to Khata No.1139 (Old) 2643 (New), Plot No.994(Old) 6776, 6777 (New), admeasuring around 5 Acres [hereinafter referred to as the Pond for the sake of brevity] to its original natural condition and habitat, as Waste Processing Unit and a private market has been constructed over a portion of the Pond, by filling it with soil, by Respondent No.13.
- b) To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents to remove the encroachments made over the Pond by way of constructing private shops and Waste Processing Unit over the Pond and thus destroying the Pond totally and making it lose its identity and ecological purpose.
- c) To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents to ensure, that after removal of the encroachment from the Pond and restoring it to its original natural condition, the Pond is not encroached again by the encroachers by making construction of any sort over the Pond and the Respondents take steps to rejuvenate the Pond periodically and take steps for its preservation.
- d) To issue an appropriate writ, order or direction in the nature of mandamus



commanding the Respondents that accountability be fixed and action be taken against the officials who are responsible for allowing construction of Waste Processing Unit (hereinafter referred to as WPU for the sake of brevity) over the Pond and thus causing environmental damage.

e) To grant any other relief or reliefs which the Petitioner may be found entitled to, in the facts and circumstances of the case.”

2. An interim application has been filed by Subodh Rai for intervention, which has been registered as I.A. No. 01 of 2025.

3. After hearing the parties, we are inclined to allow this Intervention Application.

Accordingly, Subodh Rai, son of Late Premlal Rai, resident of Village- Uttari Dhamaun, P.O.- Dhamaun, P.S.- Patori, District- Samastipur is made a party respondent to this writ petition.

The Registry is directed to amend the cause-title of the writ petition accordingly.

4. After hearing the learned counsel for the respective parties and perusing the counter affidavits and the documents filed on behalf of the intervenor, we are of the view that this case involves disputed questions of fact which cannot be resolved in the writ jurisdiction. It is open to the petitioner to



take appropriate remedies in accordance with law.

5. Accordingly, the writ petition is disposed of.

6. Interlocutory Application(s), if any, shall stand disposed of.

(Sangam Kumar Sahoo, CJ)

(Alok Kumar Sinha, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	16.02.2026
Transmission Date	

