

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17552 of 2025

1. Manisha Kumari, Wife of Rajendra Chaudhary, Resident of Village-Chaprehat, Police Station-Nemdarganj, Block - Akabarpur, District - Nawadah.
2. Santosh Kumar, Son of Rup Lal Prasad Yadav, Resident of Village-Chaprehat, Police Station-Nemdarganj, Block - Akabarpur, District - Nawadah.
3. Ajit Kumar, Son of Karu Yadav, Resident of Village-Chaprehat, Police Station-Nemdarganj, Block - Akabarpur, District - Nawadah.
4. Bakhori Yadav, Son of Late Kishun Yadav, Resident of Village-Chaprehat, Police Station-Nemdarganj, Block - Akabarpur, District - Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Divisional Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Nawadah.
5. The District Co-operative Officer, Nawadah.
6. The Deputy Development Commissioner, Nawadah.
7. The Block Development Officer, Akbarpur, District-Nawadah.
8. The Circle Officer, Akbarpur, District-Nawadah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel-28

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

5 06-01-2026 Heard learned counsel for the parties.

2. The present writ application has been filed in the form of a Public Interest Litigation (PIL) for the following reliefs:-



“(i) For issuance of appropriate order/direction upon the Respondents concerned to remove the encroachment made over water bodies which is Aahar (Water Tank) situated over Khata No. 123, corresponding Plot No. 177 total Area 012 Acre & 0.486 decimal situated in Village- Cheprehat under Anchal-Akbarpur, District- Nawadah, which has legally encroached by the Govern Agency itself and under Government Yojna N. 79.

(ii) 2023-2024 "Yatri Shed is being constructed within bed of water bodies which has completely stopped the ingress and ougress of water from Ahar causing much inconvenience to the common villagers as this water bodies is only source of irrigation of Paddy crops of villagers as well as cattle drinking for common villagers and despite having raised protest by way of apprising to all the Respondents concerned till date no action has been taken.

(iii) For further direction upon the Respondents concerned to stop the construction made under Scheme No. 79/2023-24 and restore the water bodies i.e. Ahar as mentioned in R.S. Khatiyani in its original shape after removing the illegal construction made over water bodies at the instance of some influential persons in collusion with Respondent Circle Officer who has issued NOC (No objection Certificate) for making construction without verifying the C.S. Khatiyani records related to lands in question.

(iv) For further direction upon the Respondents concerned to take appropriate action against erring



officials on whose approval construction of Yagri Shed is being made over water bodies contrary to Government Policy decision itself vide Letter No. 6-15/16-884(6) dated 22.08.2016 issued from the level of Respondent No. 2 directing the all Divisional Commissioner and District Magistrate of entire State of Bihar to identify the water bodies and remove the encroachment made over it and upload the same to the Website of District in pursuant to order passed by this Hon'ble Court in C.W.J.C. No. 9662 of 2015 (Ram Punit Chaudhary Versus State of Bihar and others) which has ultimately been disposed of vide order dated 21.07.2023 despite that Respondent authorities have allowed to illegal construction made over water bodies which is against the policy decision of State itself.

(v) Any other order/orders for granting any other relief/reliefs for which the petitioners are found entitled to in the facts and circumstances of this case.”

3. A counter affidavit has been filed on behalf of Respondent Nos. 4 and 8. The relevant statements made in paragraph Nos. 8, 9 and 10 of the said counter affidavit have been brought to our notice, which are being extracted hereinbelow:

“8) That, at outset, it is being stated and submitted that Vide Letter No.-1305 dated 17.10.2023, the then Circle Officer, Akbarpur has sent a report to



the respondent No.-6 in regard to availability/feasibility of land with Khata and Plot numbers for the recommended schemes of the members of the District Board, Nawada under the Tied and Untied fund of 15th Finance Commission.

In the said report, at serial no.7, the then Circle Officer, Akbarpur has reported for Mauza-Chaprehat Thana No.-319 Khata No.124 Plot No 179 Area-45 Decimal Nature-Bandh Holder-Anabad Sarvasadharan with the remark that the proposed land is having its nature as "Bandh" and under Holding of "Anabad SarvaSadharan" and the decision can be taken in terms of the letter no. 655(6)/Rev. dated 16.06.2016 of the Revenue and Land Reforms Department in respect of the construction of Yatri Shed in the village-Chaprehat near the statue of "Bajarbali" with the Gram Panchayat of Ledaha.

9) That, from the perusal of the aforesaid report dated 17.10.2023, it is apparent that the then Circle Officer, Akbarpur has neither reported nor mentioned the land in question i.e. the land appertaining to Muza-Chaprehat Khata No.123 Plot No. 177 Area 12 Decimal the construction of Yatri Shed in the village-Chaprehat and therefore, the allegation of collusion of the Respondent No.-8 is apparently bald and baseless.

10) That, it is being humbly stated and submitted that the grievance(s) of the petitioners shall duly be redressed by the answering respondents in accordance with law related thereto after a due enquiry in the matter within two months."



4. Considering the statements made in the counter affidavit and the submissions advanced by the learned counsel for the petitioners, the respondent authorities are directed to remove the encroachment/illegal construction, if any, over the water body in question and to carry out the necessary restoration work thereof, within a period of two months, from the date of receipt/production of a copy of this order.

5. With the aforesaid observation and direction, the present writ application stands disposed of.

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

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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