

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3967 of 2024

In
Civil Writ Jurisdiction Case No.13692 of 2022

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Sitaram Prasad Vishundev Prasad Resident of Village Sonsa P.S. Rahui
District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Amrit Lal Meena the Chief Secretary, Government of Bihar, Patna.
2. Dr. S. Siddharth the Additional Chief Secretary, Department of Home, Government of Bihar, Patna.
3. Santosh Kumar Mall, the Secretary, Water Resources Department, Government of Bihar, Patna.
4. Mayank Warwade, the Divisional Commissioner, Patna.
5. Shashank Shubhankar, the District Magistrate Nalanda.
6. Kajle Vaibhav Nitin, the Sub-Divisional Officer, Biharsharif, Nalanda.
7. Mano Kumar Prasad, the Circle Officer, Rahui, Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Gautam Kumar Kejriwal, Advocate Mr. Alok Kumar Jha, Advocate Mr. Mukund Kumar, Advocate Mr. Akash Kumar, Advocate
For the State	:	Mr. P.K. Shahi, A.G. Mr. Vikash Kumar, AC to AG Mr. Anjani Kumar, AAG-4 Mr. Alok Kumar Rahi, AC to AAG-4 Mr. Shailendra Kr. Singh, AC to AAG-4

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

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

5 05-01-2026 The present contempt application has been preferred

against the order dated 10.05.2024 passed in C.W.J.C. No.

13692 of 2022, whereby a direction was issued for removal of

encroachment from the water body, which was occupied by



certain persons to whom *parchas* had been issued. While passing the said order, the Writ Court had categorically observed that no construction could be permitted over a water body, irrespective of the fact that *parchas* had been issued by the State Government. In pursuance thereof, the present contempt application has been preferred.

2. A supplementary show-cause has been filed on behalf of Respondent No. 5, wherein the following statements have been made in Paragraph Nos.- 15,16,17,18 & 19:-

“15.(i) On 26.11.2025, an encroachment clearance drive was conducted in presence of adequate number of magistrates and police force and houses of 08 encroachers, which were made over the land in question were demolished. It is relevant to mention here that those 08 encroachers were not eligible to be benefited under the Govt. Awas Yojana as it is evident from letter no. 419, dated 17.04.2024 issued by the B.D.O, Rahui.

16.(ii) It is apt to mention here that out of 114 encroachers, who were found eligible for grant of benefit of Govt. Awas Yojana, 44 were already approved earlier and Purcha of the homestead lands were provided to them. Out of remaining 70 encroachers 02 were found dead and 68 encroachers were provided Bandobast Purcha on 25.11.2025, who received the same and put their signatures voluntarily in support of their receiving as it is evident from the receipt dated 25.11.2025.

17. All 112 beneficiaries of Govt. Awas Yojana were asked to submit requisite documents



including passbooks for providing them amount for Awas Yojana, out of them 30 families have already submitted the required documents for getting benefit for the same, as it is made clear from the report vide letter no. 1801, dated 26.11.2025 submitted by the B.D.O, Rahui.

18. That in view of the facts as stated above it appears that delay in compliance of the undertaking given in C.W.J.C. No. 13692/2022 was not intentional rather it occurred in the process undertaken by the authorities concerned in accordance with law as well as the Govt. policy. Moreover, all the eligible encroachers have received the Bandobast Purcha and 30 of them have submitted their requisite documents for Awas Yojana and rest are under the process of doing the same. Thereafter, subsequent action will be taken in accordance with Govt. policy.

19. That in view facts of the and circumstances as stated above it is stated submitted and that no of the order of the violation Hon'ble Court has behalf of the been made on and O.Ps all necessary steps have been taken for compliance of the direction/orders of the court.”

3. Considering the statements made in the supplementary show-cause, it is evident that the State authorities have already taken concrete steps for removal of encroachments from the water body. The persons who were earlier settled in and around the water body have been rehabilitated by issuance of fresh *parchas* on alternative land



under the relevant rehabilitation scheme.

4. In view of the fact that necessary steps have already been taken by the Respondent-State for protection of the water body in question, we are of the considered opinion that no further order is required to be passed in the present contempt proceedings. However, it is expected that the Respondents shall complete the remaining exercise, if any, at the earliest and preferably within a period of six months from the date of receipt/production of a copy of this order.

5. With the aforesaid observations, the present contempt application stands disposed of.

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

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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