

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3910 of 2025

Ranjan Kumar Son of Khelari Rai (Secretary Gramin Vikash Sangh, Sabalpur, Sonepur), Resident of Village- Sabalpur Chaharam, P.S.- Sonepur, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. Principal Secretary, Department of Water Resources, Govt. of Bihar, Patna.
4. The Chief Secretary, Forest and Environment, Govt. of Bihar, Patna.
5. The Commissioner, Saran at Chapra.
6. The District Magistrate, Saran at Chapra.
7. The Superintendent of Police, Saran at Chapra.
8. The Sub Divisional Officer, Sonepur, Saran.
9. The Dy. S.P. Sonepur, Saran.
10. The B.D.O. Sonepur, Saran.
11. The Circle Officer, Sonepur, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General
Mr. Vikas Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-08-2025

The present petition has been filed under Article
226 of the Constitution of India.

2. The petition is filed in the nature of Public



Interest Litigation.

3. The petitioner has stated in the memo of petition that encroachment has been made in river *Mahi* and, therefore, the petitioner has filed the present petition with a prayer that appropriate direction be issued to the concerned authorities to protect the land/way of *Mahi* river situated north of Sabalpur, Sonapur which is the solitary resource of drainage of water in rainy season.

4. Learned counsel for the petitioner referred the averments made in the memo of petition and thereafter contended that Division Bench of this Court had passed an order on 22.08.2013 in C.W.J.C. No. 7748 of 2013, whereby certain directions have been issued to the respondent-authorities. Learned counsel referred the said order, copy of which is placed at page no. 20 of the compilation. He further submits that though the petitioner has made representation and sent the copy of the aforesaid order to the respondent-authority, till date no action has been taken by the respondent-authority for removal of the encroachment. He, therefore, urged that appropriate direction be issued to the respondent-District Magistrate.

5. On the other hand, learned counsel appearing on



behalf of the respondent-State has submitted that a Division Bench of this Court had passed an order in the year 2013 and certain directions were issued. Even thereafter, the Division Bench of this Court has passed an order on 23.08.2024 in C.W.J.C. No. 10078 of 2024 wherein this Court has recorded that in the year 2013, another Division Bench has already passed the order for removal of the encroachment. The Division Bench has thereafter disposed of the aforesaid petition by issuing certain directions.

6. Learned counsel for the respondent-State, therefore, urged that since this Court has issued direction in similar type of matters, this petition may not be entertained. However, he has further submitted that, as directed by this Court earlier, appropriate action would be taken against the encroachers and the encroachments will be removed after issuing notice to the concerned parties.

7. We have considered the submissions canvassed by the learned Advocates appearing for the parties and perused the materials on record. It is not in dispute that Division Bench of this Court issued certain directions on 22.08.2013 in C.W.J.C. No. 7748 of 2013. Copy of the said order is placed on record at page no. 20 of the compilation.



Thereafter, another petitioner filed separate petition being C.W.J.C. No. 10078 of 2024, wherein the Division Bench of this Court once again passed certain order and disposed of the said matter on 23.08.2024. Copy of the said order is placed on record at page no. 54 of the compilation.

8. We have gone through the aforesaid orders. We are of the view that this Court has time and again issued directions to the respondent-authorities and, therefore, now it is the duty of the respondent-authority to comply with the said orders.

9. If the petitioner is of the view that the earlier orders of this Court have not been complied with by the concerned authority, it is always open for the concerned party to proceed in contempt before the concerned court.

10. Even otherwise, learned counsel appearing on behalf of the respondent-State has submitted that, as per the observation made by the learned Single Judge in C.W.J.C. No. 10078 of 2024 dated 23.08.2024, the encroachment will be removed after following due procedure of law and, therefore, in the facts and circumstances of the present case, we do not find any reason to keep the petition pending.

11. The respondent-authority shall take appropriate



action against the encroachers after following due procedure.

12. Accordingly, present petition stands disposed
of.

(Vipul M. Pancholi, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	27.08.2025.
Transmission Date	

