

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8939 of 2019**

Gaurav Kumar Singh

... .. Petitioner/s

Versus

The Chief Secretary, Government of Bihar

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 14184 of 2019**

Tarumitra

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

(In Civil Writ Jurisdiction Case No. 8939 of 2019)

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Adv. Mr. Satyendra Pd. Singh, Adv.
For the Respondent/s	:	Mr. Lalit Kishore, Advocate General Mr. Rabindra Priyadarshi, Adv.
For the P.M.C.	:	Mr. Bindhyachal Singh, Adv.

(In Civil Writ Jurisdiction Case No. 14184 of 2019)

For the Petitioner/s	:	Mr. Akash Keshav, Advocate Mr. Deepak Kumar Singh, Advocate Mr. Shashwat, Advocate Mr. Vishal Kumar Singh, Adv.
For the Respondent/s	:	Mr. Sarvesh Kumar Singh (Aag13)
For the Union of India	:	Mr. S.D.Sanjay, Addl. S.G. Ms. Punam Kumari, CGC.
For the P.M.C.	:	Mr. Yashraj Bardhan, Adv.
For the Resp. No. 7	:	Mr. Binita Singh, Adv.
For Resp. No. 8	:	Mr. Bindhyachal Singh, Adv.

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

10 04-03-2020

**Re.: C.W.J.C. No. 14184 of 2019**

Our attention is invited to the second supplementary



counter affidavit dated 02.03.2020 sworn by Pawan Kumar, Executive Engineer, Construction Division-1, Building Construction Department, Patna, wherein it stands averred that the State Environmental Assessment Committee, in its meeting, held on 28.02.2020, has decided to issue environmental clearance in respect of construction site Gardanibagh Housing Area Development Work, Patna.

From the counter affidavit filed on behalf of Bihar State Pollution Control Board, Patna, it appears that the Board has no objection to the development of the area as also the project.

From the affidavit dated 11.09.2019 filed by Shri Pawan Kumar, it is apparent that the area, in question, is sought to be developed in terms of the order dated 26.07.2019 issued by the Department of Environment, Forest and Climate Change, Government of Bihar, as also its subsequent modification. The project is for construction of residential complexes of various agencies under the Government of Bihar. The residential quarters and bungalows are to be constructed by demolishing the existing construction as per the master-plan approved by the State Government without involving any change in the land use.

In a tabulated form, the area, type of construction and



for whom the same is to be constructed, is indicated as under:

(i)	Officers Enclave-	Plot 'C'	- 13.16 ACRES
(ii)	Type A	Plot 'B1':	- 7.1 ACRES
(iii)	Type B	Plot 'D':	- 6.73 ACRES
(iv)	Type B	Plot 'H':	- 7.08 ACRES
(v)	Type B	Plot 'O':	- 2.39 ACRES
(vi)	Ministers Enclave	Plot 'A':	- 14.5 ACRES
(vii)	Judges Enclave	Plot 'G':	- 14.5 ACRES
(viii)	Bapu Tower		- 7.00 ACRES

From the affidavit, it is also clear that the environmental clearance are either underway or have been proceeded by the authorities.

The 'Guideline for developing greenbelts 2000' issued by the Central Pollution Control Board, also stands complied with. Under the proposed construction, approximately 365 numbers of trees are to be relocated and in lieu thereof 1119 new trees are to be planted. However, 384 trees are to be retained.

At this juncture, we may also observe that way back in the year 1912, the land, in question, was acquired/earmarked for the purpose of Government quarters and offices. As such, the purpose is not to be changed/altered and is within the stipulations prescribed under the master-plan of Patna, 2031, as approved by the Government of Bihar in October, 2016. What



the Government wants to do is to demolish the century old structures, thus far used for housing Government employees and instead of refurbishing the same, re-construction the area by building multi-storied apartments. Thus, the growth stipulated and postulated is vertical instead of horizontal. The project has complete provision for water conservation, recharge of ground water, disposal of garbage, maintenance of greenery, etc. Approximately, 20 per cent of the area of the land under the new project is to be left as a green area with adequate parking space.

Orally, we are informed by Shri Lalit Kishore, learned Advocate General that for redeveloping of 700 single storied Government houses as new modern residential complexes, process for issuance of tenders already stands completed and all environmental clearance will be obtained. The work is likely to be allotted to the successful bidder in the near future. As such, in our considered view, we see no hindrance in allowing the Government to proceed with the same.

However, there is one issue of public concern which needs attention/monitoring by the Court and that being as to how best and who would monitor the relocation/re-transplantation of the old trees as also afforestation of new trees. This, in our considered view, it can best be done with the



monitoring of a committee of experts, including the learned counsels assisting the Court in these petitions.

As such, we constitute a Committee comprising of:

(a) Conservator of Forest, Government of Bihar; (b) Chief Engineer, Building and Construction Department; (c) Member Secretary, Bihar State Pollution Control Board; (d) Secretary of State Environmental Impact Assessment Committee; (e) Shri Sarvesh Kumar Singh, AAG-13; (f) Shri Shashwat, Advocate; (g) Shri Deepak Kumar Singh, Advocate and (h) Ms. Binita Singh, Advocate.

Needless to add, the State shall provide all facilities to the committee.

The Conservator of Forest, Government of Bihar shall be the Chairman and the Member Secretary of the Bihar State Pollution Control Board shall be the Secretary of the Committee.

We also notice that the State Government has its novel programme whereby has already planted 22.2 crores saplings in the State of Bihar.

The Committee shall submit its report within a period of six months.

List on 21.09.2020.



It shall be open for the Government to proceed with the project and commence construction in accordance with law.

Equally, it shall be open for the successful bidder to commence construction as per sanctioned plans.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

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