
(2020) 12 PAT CK 0294

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 22930 Of 2018

Suresh Kashyap @
Suresh Kumar

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: Dec. 7, 2020

Acts Referred:

- Constitution Of India, 1950 - Article 21

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Jayram Sharma, Md.Khurshid Alam

Final Decision: Disposed Of

Judgement

Heard learned counsel for the parties.

Petitioner has prayed for the following relief:-

(i) For issuance of directing the respondents to remove the illegal encroachment, any structure, fill up, digging etc made so far and restore the ecology

of famous historical pond known as Muni Talab (pond) erected by the Private respondent no. 7 and others over the public land bearing Thana No. 319,

Khata No. 121, Plot No. 754, Area-1 Acre 36 Decimal situated at Mauza Nirakhpur, Village+post+P.S.+Block-Paliganj, District Patna.

(ii) For further directing that any construction over the Muni Talab(Pond) will permanently destroy for the ecology of pond, its ground water recharge

ability and will be violative of public trust doctrine, precautionary principal which are part of Article 21 of the constitution.

(iii) And further directing the respondents to restore the ecology of Muni Talab (Pond) in accordance with the ""polluters pay principle.

After the matter was heard for sometime, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the

respondent no. 2 District Magistrate, Patna, to consider and decide the representation with respect to grievances raised in such representation.

Learned counsel for the respondent states that if such representation is filed before the respondent no. 2 District Magistrate, Patna, same shall be

considered and decided within a period of two months from the date of receipt of such representation in accordance with law.

Equally liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

Liberty reserved to petitioner to approach the court, if the need so arises subsequently on the same and subsequent cause of action.

The writ petition is accordingly, disposed of.