

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3876 of 2022

=====

Kumar Amit

... .. Petitioner/s

Versus

1. The Union of India
2. The Secretary, Ministry of Jal Shakti, Department of Drinking Water and Sanitation, Rafi Marg, New Delhi-1.
3. The Secretary, Environment, Forest and Climatic Change, Indira Paryawaran Bhawan, Jore Bagh, New Delhi- 110003.
4. The Secretary, Culture and Tourism, Shashtri Bhawan, 5th Floor, New Delhi- 110001.
5. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
6. The Principal Secretary, Tourism, Government of Bihar, Patna.
7. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
8. The Principal Secretary, Forest Department, Government of Bihar, Patna.
9. The District Magistrate, Motihari, East Champaran.
10. The Superintendent of Police, East Champaran, Motihari.
11. The Sub-Divisional Officer, Motihari Sadar, East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Ms. Roona, Advocate
For the Respondent/s : Mr. Yogendra Prasad Sinha (AAG 7)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-05-2023

The petitioner in the instant public interest litigation, is a practising advocate who seeks renovation, rehabilitation and conservation of Moti Jheel located in the heart of the city of



Motihari (East Champaran) Bihar. The writ petitioner asserts the historical value of the lake in the heart of East Champaran wherein the first Satyagrah movement was commenced by the Father of the Nation. Thus, Champaran has been the starting point of India's Independence movement which as it was, was already steeped in history and is a perfect tourism spot which can be developed by the State is the contention. The lake is also one of the major sources of the water supply to the residents of the town which has now been encroached by both Government and Non-Governmental organizations. There is depredation of the ecosystem in and around the lake, degradation of the water quality by reason of defecation, dumping of solid waste and waste water, causing inlet blockage and environmental problems in and around the lake. This causes water and air pollution, health hazards due to dumping of bio medical waste and also rise of infections by reason of multiplication of mosquitoes and insects as also emission of noxious gases.

2. A Division Bench of this Court by order dated 02.12.2022 directed the Chief Secretary, Government of Bihar to convene a meeting and by order dated 19.01.2023 highlighted four issues, being dis-satisfied with the affidavit filed by the Chief Secretary in compliance of the earlier order. The four issues



highlighted by the Division Bench were:- (1) Incomplete work of dredging and de-silting of the water body; (2) the removal of the encroachments in and around the water body; (3) developments in terms of infrastructure i.e. embankment and parks etc.; (4) beautification of the complex by planting trees etc. and clearing the primal source of the water body by removing the encroachments on Ratnagiri channel, being the main source for recharging the water body i.e. Moti Jheel.

3. A supplementary counter affidavit has been filed by the District Magistrate, East Champaran. As regards the first issue highlighted by this Court, it is stated that a report was called for from the Bihar Urban Development Corporation which as submitted by the Project Director, indicates a time line for completion of dredging and de-silting work by January, 2024. The other works of development of infrastructure, i.e. embankments and parks etc. is also undertaken to be completed by April, 2024. The name of the contractor for the dredging and de-silting work has also been specified in the letter of the Project Director which is produced as Annexure-R. As far as the second issue highlighted, the supplementary affidavit asserts that a special drive was carried out to remove the encroachment and one hundred fifty eight structures were identified in and around the water body of which



one hundred and eight structures have already been removed. Thirty shops were allotted by the Motihari Municipal body which was directed to be removed by orders of the High Court itself but after re-allotment at some other places. It is also pointed out that there are sixteen Government buildings and in four writ petitions, there is a status quo directed to be maintained.

4. As far as the fourth issue regarding beautification is concerned it is submitted that the Circle Officer, Banjaria by his report no. 98 dated 02.02.2023 has reported that Encroachment Case no.14 of 2021-22 has been instituted for removal of encroachments in Ratanpur channel and 23 people have been given notices in Form II, all of whom have filed appeal in the Court of Collector, East Champaran. Appropriate procedure for beautification of the complex by planting trees and clearing the primal source of the water body by removing encroachment on the Ratnagiri channel which is the main source for recharging the water body, i.e. Moti Jheel, can be proceeded with only after the encroachments are removed.

5. We record the undertaking made by the District Magistrate, East Champaran and expect its due compliance. We also direct the Chief Secretary through an authorized officer to



monitor the completion of the project and revival of Moti Jheel as per the undertaking of the District Magistrate.

6. We direct the Registry to forward a copy of this judgment to the Chief Secretary, Government of Bihar and also to the District Magistrate, East Champaran. The Chief Secretary shall authorize an officer to suitably monitor the revival work personally, who is also directed to file a report every three months before the Chief Secretary.

7. We dispose of the writ petition with the above directions and observations.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	15.05.2023
Transmission Date	

