

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSSPECIAL LEAVE PETITION (CIVIL) Diary No(s). 8948/2026

[Arising out of impugned judgment and order dated 02-12-2025 in CWJC No. 8837/2025 passed by the High Court of Judicature at Patna]

VISHWANATH PASWAN & ORS.

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

(IA No. 49496/2026 - EXEMPTION FROM FILING O.T. and IA No. 49498/2026 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

WITH

W.P. (C) No. 200/2026 (X)

(IA No. 48673/2026 - EXEMPTION FROM FILING O.T.)

Date : 25-02-2026 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) : Mr. Gaurav Agarwal, Sr. Adv.
Mr. Akshat Agrawal, Adv.
Ms. Rita Jha, AOR
Ms. Rashi Agarwal, Adv.
Mr. Raj Karn, Adv.
Mr. Rakesh Thakur, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. Even before the actual commencement of construction of an embankment along the Sikrahna river in West Champaran, Bihar for which an amount of Rs.239 crores was sanctioned, the private respondents approached the High Court through a writ petition claiming themselves to be agriculturists and fisherfolk residing in

villages situated on banks of Sikrahna river and whose homes and cultivable lands lie between the active river channel and the proposed embankment alignment. It was contended that the proposed embankment alignment, based on an old technical report, would displace villagers residing along the riverbank, cause submergence of habitations and agricultural lands, and had been undertaken without any fresh technical assessment, environmental impact assessment, social impact study, rehabilitation or resettlement plan.

2. It is in this backdrop that the High Court, knowing fully well the limits of the writ courts in such like matters which essentially require indulgence by an expert body, declined to entertain the matter.

3. We have no hesitation in observing that the opinion of the High Court, namely that the construction of embankment falls within the domain of experts/consultants and the authorities, warrants no interference by us.

4. As regards the adverse impact being apprehended by the petitioners on their side of the embankment, it seems to us that this issue was not seriously agitated before the High Court. We say so for the reason that there is no opinion/ observation made by the High Court to that effect.

5. Be that as it may, the issue sought to be raised by the petitioners in the Special Leave Petition or accompanying writ petition filed under Article 32 of the Constitution are highly technical in nature. It is difficult for us to express any opinion in relation thereto. Consequently, we dispose of this Special Leave

Petition/Writ Petition with liberty to the petitioners to submit a comprehensive representation to the concerned authorities (all relevant stakeholders), who, in turn, are directed to consider such a claim of the petitioners, notwithstanding the fact that their petitions have been dismissed or this Court has declined to interfere in that order. It shall be appreciated if the representation that may be submitted by the petitioners within two weeks is considered and disposed of by a reasoned order within a period of two months.

6. However, the aforesaid direction shall not be an impediment to the continuation of the construction of the embankment of the Sikrahna River.

7. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR