

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16651 of 2014

Sanjay Kumar Singh, son of Sri Narendra Kumar Singh, resident of Mohalla-Late Nagina Singh Gali, Dahiyawan, P.O.-Sahebganj, P.S.-Chapra Town, District-Saran at Chapra (Bihar).

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Irrigation Department, Government of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Deputy Collector Land Reforms, Chapra, District-Saran at Chapra.
5. The Circle Officer, Sadar, Anchal-Sadar, District-Saran at Chapra.
6. The Superintendent of Police, Chapra, District-Saran at Chapra.

.... Respondents

Appearance :

For the Petitioner	:	Mr. Rakesh Kumar, Advocate
For the Respondent State:		Mr. A.K.Choudhary, AAG-13
		Mr. S.H.Khan, A.C. to AAG-13
For the Intervener :		Mr. Bindhyachal Singh, Advocate
		Mr. Ram Binod Singh, Advocate
		Mr. Binod Murari Mishra, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 03-08-2015 Heard Mr. Rakesh Kumar, learned Counsel, appearing for the petitioner, and Mr. A. K. Choudhary, learned Additional Advocate General No.13, appearing for the State. We have heard also Mr. Bindhyachal Singh, learned Counsel, appearing on behalf of the intervener respondents.

There is no dispute before us that in respect of the subject matter of land, which is claimed to be water body, there exists a decree and the said decree is not under challenge in the

present public interest litigation proceedings. The petitioner may institute appropriate suit if the said decree, as submitted on behalf of the petitioner, has been obtained by collusion and fraud without impleading the State Government and its functionaries as parties in the suit. This apart, any order, issued in exercise of this Court's power, under Article 226 of the Constitution of India, would, in effect, come in conflict with the decree aforementioned and, hence, this Court cannot, in a public interest litigation, pass, in the factual background of this case, any order setting at naught the effect of the decree aforementioned.

Because of what have been indicated and pointed out above, this public interest litigation is not admitted and is accordingly dismissed.

In view of the dismissal of the public interest litigation, Interlocutory Application No. 9460 of 2014 stands disposed of.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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