

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18250 of 2014

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1. Yogendra Yadav son of Late Nand Yadav, Resident of Village - Bari Tarouni,
P.S. Bahera, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Darbhanga Division
3. The District Magistrate, Darbhanga
4. The Sub - Divisional Magistrate, Sadar, Darbhanga
5. The Circle Officer, Manigachhi, Darbhanga
6. The Officer - in - Charge of Manigachhi Police, Darbhanga
7. Birjoo Paswan son of Late Mahendra Paswan
8. Bechan Paswan son of Late Bouwan Paswan
9. Arhuliya Devi wife of Late Shri Paswan
10. Mangla Devi Daughter of Late Manori Paswan
11. Kishundeo Paswan son of Late Ramgulam Paswan
12. Bhagwat Paswan son of Late Ramgulam Paswan
13. Chaima Paswan son of Late Manori Paswan
14. Shivan Paswan son of Bhikhari Paswan
15. Shambhu Paswan son of Shaini Paswan

All are residing at Tola - Rajwara, Mouja - Raghobpur (Nehra), P.S. Manigachhi,
District - Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Advocate.

For the Respondent/s : Mr. P.K. Verma, AAG-5

Mr. Saroj Kumar Sharma, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE I. A. ANSARI)

Date: 11-09-2015

This application, under Article 226 of the Constitution of India, in the nature of Public Interest Litigation has been filed by the petitioner seeking a direction from this Court to the respondents to get vacated the encroachments made over Khata No.3638, Khesra No.9553, which, according to the petitioner, is a public road.

We find from the records that at the instance of the petitioner, a proceeding for removal of encroachment was initiated by the concerned Circle Officer giving rise to Encroachment Case No.2 of 2012-2013. The Circle Officer has already passed order on the basis of application filed by the petitioner. The petitioner is, thus, an interested person.

This application, in our opinion, cannot be treated to be in the nature of public interest litigation.

This Public Interest Litigation application stands dismissed accordingly.

However, petitioner will be at liberty to approach appropriate forum with appropriate application, in future, if so advised, and take recourse to such provisions of law as may be permissible.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

Mkr./-

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