

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13014 of 2014**

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Ram Narayan Singh, Son of Late Harihar Nath Singh, Resident of Village-Takiya, P.O.- Takiya Bazar, P.S.- Sasaram (Modal), District- Rohtas (Bihar).

.... .... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Patna (Bihar)
2. The Commissioner, Patna Pramandal, Patna (Bihar).
3. The District Magistrate, District- Rohtas (Bihar).
4. The Sub Divisional Officer, Sub-division Sasaram, District- Rohtas (Bihar).
5. The District Programming Manager, Sasaram, District- Rohtas (Bihar).
6. The Block Development Officer, Sasaram, District - Rohtas (Bihar).
7. The Circle Officer, Circle- Sasaram, District - Rohtas (Bihar).

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Ful Man Singh, Adv.  
Mr. Sunil Kumar Singh, No.10

For the Respondent/s : Mr. Sandip Kumar, G.A.8  
Mr. Vivekanand Singh, AC to GA.8.

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**  
**ORAL ORDER**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      07-01-2015                      The petitioner claims to be General Secretary of a non-government organization (N.G.O.) known as “Socho Sath Kya Jaega” (in short “SOSAKJA”).

The writ petition is said to have got issued a legal notice under Section-80 of C.P.C. to the respondents herein asserting that an extent of 3120 decimals of land in plot Nos.36, 37 and 38 of village Takiya, Sasaram, District Rohtas, has been encroached by various persons and requested for removal of the same.

This writ petition is filed as a Public Interest

Litigation with a prayer to remove the encroachment and preserve the tank in the vicinity.

Heard learned counsel for the petitioner and learned counsel for the respondents.

This writ petition, in a way indicates the direction in which the institution of Public Interest Litigation is progressing, virtually reducing the legal system to the level of non-existence. It is only a person who is vested with the legal right that can issue notice under Section-80 of C.P.C. and if there is no response to that, he can file a suit. The petitioner did not claim any right, whatever, in respect of the land. Still he thought he can issue a legal notice under Section-80 of C.P.C. through an advocate. Assuming that there existed any basis for issuing notice under Section-80 of C.P.C., the next step ought to have been to file a suit. Instead, he filed the present writ petition. This Court finds it difficult to approve such a course of action.

Coming to the merits, save and except stating that an extent of 3120 decimals of land is encroached, the petitioner did not assert as to when the encroachment has taken place and by whom. Unless those vital details are available, this Court cannot undertake any adjudication even by relaxing the principles of determination of legal rights. It is only when the person who is sought to be evicted is before this Court that his rights can be determined and appropriate directions can be issued. The time of alleged encroachment also would assume significance. The petitioner may derive pleasure in seeking directions of that nature. However, the impact thereof is to be felt by

quite large number of persons. Hence, unless they are heard, no direction of that nature can be given.

If the interest of the petitioner is to protect any government land from encroachment, he can make representation to the concerned authority.

Therefore, we dismiss the writ petition leaving it open to the petitioner to make a representation to the concerned authority.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

**(L. Narasimha Reddy,CJ)**

**(Rajendra Kumar Mishra, J)**

K.C.jha/Shail

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A.F.R.