

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18771 of 2014

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Surendra Sharma (Sec. Gramin Vikas Manch), Son of Late
Kapildev Sharma, resident of Village - Ismail Chak, P.S. -
Sonepur, District – Saran.

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar,
Patna.
2. The Commissioner, Saran at Chapra.
3. The District Magistrate, Saran.
4. The Superintendent of Police, Saran, Chapra.
5. Sub-Divisional Officer, Sonepur, Saran.
6. Block Development Officer, Sonepur, Saran
7. Circle Officer, Sonepur, Saran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjay Mishra, Adv.

For the Respondent Nos.1 to 7 : Mrs. Namrata Mishra, Adv.

Mr. Alok Ranjan, Adv.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

Date: 23-09-2015

The present writ application, under Article 226 of the Constitution of India, in the nature of Public Interest Litigation, has been filed seeking direction to the respondents for removal of alleged encroachment caused on brick-soled road from Govind Chak More to Parmanandpur railway crossing, situated under the district of Saran.

2. Heard Mr. Dhananjay Mishra, learned counsel, appearing on behalf of the petitioner and Mrs. Namrata Mishra, learned counsel, appearing on behalf of the respondent Nos.1 to 7.

3. It is the case of the petitioner that because of said encroachment, the scheme of the State Government for construction of P.C.C. road is not being carried out, as the encroachers are causing obstruction in getting the work done.

4. A counter affidavit has been filed on behalf of the respondents, sworn by the Circle Officer, Sonapur, stating therein that for the purpose of construction of said P.C.C. road, a contractor was engaged and the said work was allotted to him and, later on, objections being raised by the persons claiming to be the Raiyats of the land over, which there was brick soling and P.C.C. road was proposed to be constructed, a report was sought for from the Anchal Amin of the concerned area, who reported that the said land was not shown as road in Bihar State Survey Map and there, in fact,

was not a public road rather a private passage on which brick soling was done, few years back.

5. Mr. Dhananjay Mishra, learned counsel, appearing on behalf of the petitioner, while disputing the correctness of the contents of the counter affidavit, has tried to convince us that the said land is a public land and wrong statement to this effect has been made in the counter affidavit.

6. There being apparent disputed question of fact, as regards title of the private persons over the land in question, we are not inclined to entertain this writ application, as Public Interest Litigation.

7. The writ application stands closed.

8. The petitioner shall be at liberty, however, to take recourse to such provisions of law, as may be permissible.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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