

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7320 of 2016

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Kamleshwari Prasad Yadav, Son of Dahu Prasad Yadav, R/v - Guriya P.S.
Jadiya, District - Supaul

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary Revenue Department, Bihar, Patna
3. The Divisional Commissioner Koshi Division, Saharsa
4. The District Magistrate, Supaul
5. The Additional District Magistrate, Supaul
6. The Sub - Divisional officer, Triveniganj, District Supaul
7. The Deputy Collector, Land Reforms (D.C.L.R.), Triveniganj, Distt. - Supaul
8. The Circle officer, Triveniganj, District - Supaul
9. The Chairman Bihar Bhudan Yagya Committee, Patna
10. The Office Mantir, District Bhudan Yagya Committee, Supaul

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Rajesh Kumar Sinha, Advocate
For the Respondent	:	
Nos. 1 to 8	:	Mr. Pratik Kumar Sinha, AC to GA V
For Respondent	:	
Nos. 9 & 10	:	Ms. Alka Verma, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-09-2016

Heard Mr. Rajesh Kumar Sinha, learned Counsel for the petitioner, and Mr. Pratik Kumar Sinha, learned Counsel for the respondent Nos. 1 to 8. We have heard also Ms. Alka Verma, learned Counsel for the respondent Nos. 9 and 10.

By means of this writ petition, made under Article 226 of the Constitution of India, in the nature of Public Interest Litigation,



the petitioner has sought for necessary direction to be issued to make enquiry into the distribution of land of Bhudan Yagya Committee and to restrain the respondents from making any further distribution of land of Bhudan Yagya Committee. To support this accusation, no material has been placed on record. This apart, it transpires that aggrieved with the case, which has been instituted against the petitioner, the petitioner has filed a writ petition under Article 226 of the Constitution, which gave rise to C.W.J.C. No.16527 of 2015, seeking quashing of the case.

From the aforementioned, it is clear that it is a land of Bhudan Yagaya Committee, which, according to the respondents, does not belong to the petitioner, and was allotted to one Rajendra Prasad Yadav as far back in the year 1974.

Having regard to the fact that the land, in question, which has impelled the petitioner to come to this Court, is the land, which the petitioner is alleged to have illegally encroached upon, coupled with the fact, that the petitioner has placed on record no supporting material to strengthen his allegation of illegal distribution of land by Bhudan Yagya Committee, we are of the opinion that the continuation of this writ petition would be an abuse of the process of law and cause financial loss to the State.

In view of the above and in the interest of justice, we

close this writ petition with liberty granted to the petitioner to approach this Court with appropriate application, in future, if the situation so warrants, and/or take recourse to appropriate provisions of law as may be permissible.

(I. A. Ansari, CJ)

(Dr. Ravi Ranjan, J)

Prakash/ Sanjay

AFR/NAFR	
CAV DATE	NA
Uploading Date	6/10/2016
Transmission Date	NA