

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14464 of 2015

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1. Amanullah Khan, Son of Late Bishmillah Khan, resident of Mohalla- Momin Tola, Ward no. 9, P.S.- Town, District- Madhubani.
 2. Ashok Kumar Mahto, Son of Ram Chandra Mahto, Resident of Mohalla- Santu Nagar, P.S.- Town, District- Madhubani.
 3. Md. Akbar, son of Late Md. Manjoor, Resident of Mohalla- Santu Nagar, P.S.- Town, District- Madhubani.
 4. Md. Mustakim, son of Md. Usman, resident of Village- Jagatpur, P.S- Rahika, District- Madhubani.
 5. Md. Javed Akhtar, son of Late Md. Ismail, Resident of Mohalla- Santu Nagar, P.S.- Town, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate, Madhubani.
3. Additional Collector, Madhubani.
4. Deputy Collector, Land Reforms, Sadar, Madhubani.
5. Circle Officer, Rahika, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Baidya Nath Thakur, Advocate
For the State	:	Mr. Amarendra Kumar, A.C. to AAG-15
For the Intervener	:	Mr. Ratnakar Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-03-2017

Petitioners have filed this petition in public interest and seek prevention of misuse of public land bearing Khata No. 508, Khesra No. 5907 measuring 19 Katha 5 dhurs forming part of Mauza- Jagatpur, Police Station- Rahik, District- Madhubani.

2. It is stated that the land-grabbers are changing the entry of the land and thereby creating environmental and health



hazard and blocking the drainage and misusing the land. Accordingly, seeking prevention of misuse of the Government land the writ petition has been filed.

3. However, Respondent No. 6 has filed a detailed counter affidavit and it is the case of Respondent No. 6 that the land in question belonged to the ex landlord, the Darbhanga Maharaj and the said land has been granted to father of the intervenor and the respondents in the year 1916 vide settlement document (Annexure-1) filed along with I.A. No. 8101 of 2015 by the intervenor Sri Md. Nabijan and Respondent No. 6 submits that they are in possession of the land and various disputes are raised by the said Respondent No. 6 with regard to the right of the petitioners and the right of Respondent No. 6 to the land in question.

4. It seems that there is serious dispute between the petitioners and the private respondents in the matter of ownership and title of the land and there is no public interest involved in the matter.

5. Keeping in view the aforesaid, the writ petition is dismissed as it is not a fit case where treating it to be a public interest litigation, interference can be made. The dispute inter se between the petitioners and the private respondents has to be settled in accordance to the common law remedy available and not in this writ petition.

6. Accordingly, with the aforesaid observation and



liberty to the aggrieved persons, the writ petition stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	28.03.2017
Transmission Date	

