

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.192 of 2017

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Nagrik Adhikar Surakchha Samittee, Begusarai, Registered under the Society Registration Act through the Branch Secretary of Makardahi Branch Janardan Singh Son of late Shriram Singh Resident of Village- Makhardahi, Post- Ulao, District- Begusarai-851134.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Nagar Vikash Bibhag, Govt. of Bihar, Patna.
2. The Collector, Begusarai.
3. The Nagar Panchayat, Ballia, Begusarai, through its Executive Officer.
4. The Circle Officer, Ballia, District- Begusarai.
5. Smt. Champa Devi, Chairman, Ballia Nagar Parishad, Begusarai.
6. Dr. Shamim Sorai Affaque, Son of Chaudhary Mustaque Hassan,
7. Dr. Md. Nehal Akhtar Son of late Chaudhary Mustaque Hussain Both Resident of Village- Upper tola, Chhoti Ballia Post- Lakhminia, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Sinha No.-1

For the Respondent/s : Mr. AJAY- GA-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 05-07-2017

The petitioner has filed this writ petition, inter alia, contending that there is encroachment in the area in question as pleaded in the writ petition.

On going through the averments made in the writ petition, it is seen that the allegations of encroachment are made by the petitioner without conducting any investigation, research or giving the factual position specifically, without enclosing any document showing the position of the land, revenue records and other relevant materials. The petitioner has only stated in para-8 at page 6 of the writ petition that he acquired knowledge of the encroachment through



daily news paper “AAJ” published on 5.12.2016. Apart from the aforesaid there is no material available on the record to show that there is encroachment in the area. That apart the petitioner has stated in paras 8 and 9 of the writ petition that a Title Suit with regard to the disputed land is pending before the Court of competent jurisdiction.

When a public interest litigation is being filed, a duty is imposed upon the petitioner to bring all facts on record after investigation and enquiries undertaken and show a prima facie case to be made out for intervention by this Court. Merely on the basis of hear say or newspaper publication and vague or unspecified allegation without there being any supporting material for substantiating the allegation, it is not appropriate to interfere in the matter. The petitioner has simply filed this petition in casual manner without conducting any proper research, enquiry or investigation into the matter.

We do not appreciate the manner in which the Public Interest Litigation is filed and, therefore, finding no case made out dismiss the petition.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2017
Transmission Date	

