

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10097 of 2017

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Mundrika Singh, Son of late Ram Chandra Singh, Resident of Village
Dhakani Bigha, P.O. & P.S. Makhdumpur, Ward No. 1, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms,
Government of Bihar Patna.
2. District Magistrate, Jehanabad.
3. Sub-Divisional Magistrate, Jehanabad.
4. Executive Magistrate, Jehanabad.
5. Anchal Adhikari, Makhdumpur, District- Jehanabad.
6. Nagar Panchayat, Makhdumpur through its Executive Officer, Makhdumpur
Nagar Panchayat, District- Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pandey, Advocate
For the Respondent/s : Mr. Md.Khurshid Alam-AAG-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-09-2017

Petitioner has filed this petition in public interest

and the grievance of the petitioner is that certain encroachments

have been undertaken in a public land bearing Khata No. 112,

Plot No. 1715, of Village Dhakani Bigha, District Jehanabad

and seeking removal of the encroachment it is said that when

the villagers submitted a representation, an inquiry was

conducted and the report Annexure-4 submitted by the District

Public Grievance Redressal Authority and inspite of the same

the encroachments have not been removed by the respondent

authorities and, therefore, this petition in public interest.



However, today when the matter is taken up, I.A. No. 6428 of 2017 has been filed by about 13 applicants, namely, Sri Ashok Singh and others who have brought to the notice of this Court that the petition is not in public interest. In fact, it is their contention that the petitioner himself has encroached upon public land bearing Khata No 112, Plot No. 1634 and 1714. He has constructed his own house in the said area and now wants eviction of others from Plot No. 1714. It is stated that with regard to the activities of the applicant, co-villagers have already filed their complaint and application to the Circle Officer, Makhdumpur Circle for removal of encroachment and the documents evidencing the same have been filed as Annexure-3 along with Interlocutory Application.

Keeping in view the nature of controversy that has now come on record, from the materials as are detailed hereinabove, we are not inclined to interfere into the matter in a Public Interest Litigation. In case the petitioner or the intervenors have any grievance with regard to the inter se dispute of encroachment between them, they are granted liberty to file a detailed application under the Bihar Removal of Encroachment Act before the competent statutory authority in accordance to the requirement of law and the statutory authority



to proceed in the matter for taking action against all concerned and remove the encroachment.

With the aforesaid liberty to the petitioner and the intervenors, finding no case made out for indulgence, we dismiss this writ petition. We may indicate that we have not expressed any opinion to the merits of the allegations and the counter allegation made. It is for the statutory authority to take action after issuing notice following the due process of law and hearing all concerned.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	20.09.2017
Transmission Date	

