

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19495 of 2016**

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Arbind Kumar Sharma, Son of Sri Ramjevan Sharma, Resident of Village- Shivnar,  
P.S.- Mokama, District Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Sub-Divisional Officer, Barh, Patna.
5. The Block Development Officer, Mokama, District- Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner : Mr. Sarvan Kumar, Advocate

For the Intervenor : Mr. Raj Kumar Singh Vikram, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 01-05-2017**

I.A. No. 1695 of 2007 has been filed by the Intervenor  
Deepeka Devi to implead her as Respondent No. 6.

Let the Intervenor be impleaded as Respondent No. 6.  
Corrections be made accordingly.

*Inter alia* contending that there is illegal encroachment  
on Government land bearing Khata No. 422, Khesra No. 355, Thana  
No. 31, area- 6¼ decimal situated at Village- Sakshmipur Shivnar,  
District- Patna and inspite of complaint, the same is not being  
removed, this petition has been filed in public interest.

However, the intervenor has brought on record  
proceedings pending in Title Suit No. 168 of 2009 and she claims that



she is title owner of the property in question and has filed a suit which has been disposed of and decree is in her favour.

Taking note of the totality of the circumstances and the materials available on record, particularly the assertion made by the intervenor Smt. Deepika Devi, it is not appropriate for us to make any indulgence in the matter exercising our extraordinary jurisdiction under Article 226 of the Constitution and direct for removal of encroachment, particularly when the decree is in favour of the intervenor. In case petitioner has any grievance with regard to encroachment, he has got statutory remedy of approaching the statutory authority under the Bihar Public Land Encroachment Act.

Accordingly, granting liberty to the petitioner to take recourse to the statutory remedy of approaching the statutory authority under the Bihar Public Land Encroachment Act, the writ petition stands disposed of.

**(Rajendra Menon, CJ)**

**(Sudhir Singh, J)**

P.K.P.

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