

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2567 of 2023

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Nagma Khatun, Wife of Phiroj Anasari, Resident of Village- Karariya
Thakurai, P.S.- Fulwaria, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reform Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran at Chapra.
3. The District Magistrate-cum-Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Deputy Collector, Land Reforms, Hathua, Gopalganj.
6. The Sub-Divisional Magistrate, Hathua, Gopalganj.
7. The Circle Officer, Fulwariya, Gopalganj.
8. The S.H.O., P.S.- Fulwaria, Gopalganj.
9. Ajit Kumar Singh, Son of Late Bhagwati Singh Resident of Village- Bhawani Chhapar, P.S.- Phulwariya, District- Gopalganj.
10. Bashisht Narayan Singh, Son of Late Durga Singh Resident of Village- Bhawani Chhapar, P.S.- Phulwariya, District- Gopalganj.
11. Alok Kumar Singh, Son of Bashisht Narayan Singh Resident of Village- Bhawani Chhapar, P.S.- Phulwariya, District- Gopalganj.
12. Ranjit Kumar Singh, Son of Ajit Kumar Singh Resident of Village- Bhawani Chhapar, P.S.- Phulwariya, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG 12)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

4 11-04-2023 The writ application has been filed as a Public Interest

Litigation (PIL) seeking direction for removal of encroachments

over alleged public lands.

The Bihar Public Land Encroachment Act, 1956



(hereinafter referred to as “Act”) provides remedy for removal of encroachment from public lands. A fair enquiry with due opportunity is inherent in the statutory procedure prescribed under the Act. The Act also prescribes for enforcement of orders for removal of encroachment, if passed under the Act.

The issue raised by the petitioner is essentially an issue falling within the scope and ambit of the Act. The writ petition, by way of a PIL, therefore, in the opinion of the Court, is misconceived. If the instant case were to be entertained as a PIL, then all issues of encroachment would be required to be dealt with by this Court as a PIL.

We find that no issue of public interest has been raised in the instant writ proceedings, so as to allow the petitioner to bypass the statutory remedy whereby and whereunder the alleged encroachers of the public lands would be dealt with in a fair procedure, and leave it open for the petitioner to pursue his remedy in accordance with law.

The writ petition is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

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