

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1965 of 2023

Naresh Prasad, Advocate in Person Son of Late Mainekar Prasad, Resident of Mohalla Behind Rajani Gandha Apartment, South of Petrol Pump, Sadakat Ashram, P.S. - Patliputra, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate-cum-Collector, Siwan.
4. The Additional District Magistrate, Siwan.
5. The Deputy Collector Land Reforms, Siwan.
6. The Sub-Divisional Officer, Siwan.
7. The Circle Officer Jiradei, District Siwan.
8. Ramanand Choudhary son of Late Daroga Choudhary, Resident of Village Ojha Ke Badheya, Anchal Jiradei, P.S. - Jiradei, District - Siwan.
9. Sudarshan Choudhary, son of Mangaru Choudhary, Resident of Village Ojha Ke Badheya, Anchal Jiradei, P.S. - Jiradei, District - Siwan.
10. Vishwanath Choudhary son of Late Adalat Choudhary, Resident of Village Ojha Ke Badheya, Anchal Jiradei, P.S. - Jiradei, District - Siwan.
11. Banarasi Choudhary, son of Maral Choudhary, Resident of Village Ojha Ke Badheya, Anchal Jiradei, P.S. - Jiradei, District - Siwan.
12. Harishankar Ojha son of Late Vishundeo Ojha, Resident of Village Ojha Ke Badheya, Anchal Jiradei, P.S. - Jiradei, District - Siwan.
13. Ravindra Choudhary son of Late Vishun Choudhary, Resident of Village Ojha Ke Badheya, Anchal Jiradei, P.S. - Jiradei, District - Siwan.
14. Vishwanath Prasad son of Late Gumani Prasad, Resident of Village Ojha Ke Badheya, Anchal Jiradei, P.S. - Jiradei, District - Siwan.
15. Madan Yadav, son of Banarasi Yadav, Resident of Village Ojha Ke Badheya, Anchal Jiradei, P.S. - Jiradei, District - Siwan.
16. Ashok Ojha, son of Sripat Ojha, Resident of Village Ojha Ke Badheya, Anchal Jiradei, P.S. - Jiradei, District - Siwan.
17. Vikash Prasad, Son of Late Ramlakhan Prasad Resident of Village-Badheya, P.S.- Jiradei, Post- Badheya, District- Siwan.
18. Rajesh Kumar, Son of Late Ramlakhan Prasad Resident of Village-Badheya, P.S.- Jiradei, Post- Badheya, District- Siwan.
19. Preetam Kumar Srivastava, S/o Late Omprakash Sinha Resident of Village-Badheya, P.S.- Jiradei, Post- Badheya, District- Siwan.
20. Kiran Devi, W/o Late Omprakash Sinha Resident of Village- Badheya, P.S.- Jiradei, Post- Badheya, District- Siwan.



21. Sarita Devi, W/o Late Ramesh Kumar Sinha Resident of Village- Badheya, P.S.- Jiradei, Post- Badheya, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad (In Person)
For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)
Mr. Ranjan Kumar Dubey, Advocate
Mr. Kumar Gaurav, Advocate
Mr. Ashish Anand, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 19-08-2023

Re: I.A. No. 01 of 2023

The present interlocutory application has been filed on behalf of the interveners for impleading (I) Vikash Prasad (Male) Aged 45 years (ii) Rajesh Kumar (Male) Aged 47 years. Both sons of Ramlakhan Prasad. (iii) Preetam Kumar Srivastava (Male) Aged about 30 years, Son of Late Omprakash Sinha. (iv) Kiran Devi (Female) Aged about 50 years, W/o of Late Omprakash Sinha. (v) Sarita Devi (Female) Aged about 58 years, W/o Late Ramesh Kumar Sinha, as newly added respondents in the present writ petition. All are residents of Village- Badheya, P.S.- Jiradei, Post-Badheya, District-Siwan.

2. Having heard the learned counsel for the parties and perused the interlocutory application, the same is allowed and the above named persons are impleaded as party



respondents in this writ petition.

3. Registry to carry out impleadment of the newly added party respondents in the cause title.

4. Learned Government Advocate submits that the Circle Officer, Jiradei, District-Siwan has found that there is Jamabandi opened in name of the alleged encroachers.

5. Learned counsel for the interveners very fairly submits that the Jamabandi has been cancelled but, however, T.S. No 1317 of 2022, has been filed before the Sub Judge-XIII, Siwan in which there is a status quo order passed. In such circumstances, the civil suit has to be first disposed of or the interim order of status quo vacated before any eviction of encroachment has to be carried out.

6. We find that there is no reason to keep the writ petition pending, which is a Public Interest Litigation filed when there is an alternate remedy available under the Bihar Public Land Encroachment Act, 1956. We also see that even many of the encroachers were not impleaded in the writ petition and they have come up before Court; being threatened with eviction on the basis of the orders passed in the writ petition.

7. The petitioner, who appears in person, submits that Respondent Nos. 8 to 16 have been impleaded and he has not



prayed for any relief against the present interveners. In any event, with respect to Respondent Nos. 8 to 16 also it is for the petitioner to initiate a case under the Bihar Public Land Encroachment Act, 1956 and not seek eviction in a Public Interest Litigation.

8. We do not find any reason to entertain the Public Interest Litigation and dismiss the same.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.08.2023
Transmission Date	

