

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3744 of 2023

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Santosh Kumar Son of Sri Durga Thakur Resident of Village and P.O. Roop Chhapra, P.S. Sahebganj, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Railways, Government of India, New Delhi.
2. The General Manager East Central Railway, Hajipur.
3. The Divisional Rail Manager (Engineering), East Central Railway, Sonapur.
4. The Divisional Engineer (Headquarter), East Central Railway, Sonapur.
5. The Assistant Divisional Engineer, South, East Central Railway, Muzaffarpur.
6. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
7. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
8. The Divisional Commissioner, Tirhut Division, Muzaffarpur
9. The District Magistrate-Cum-Collector, Muzaffarpur District-Muzaffarpur.
10. The Additional Collector, Muzaffarpur District-Muzaffarpur.
11. The Sub-Divisional Public Complaint Redressal Officer, Muzaffarpur District-Muzaffarpur.
12. The Circle Officer, Mushahari, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Singh, Advocate
For the Respondent/s	:	Mr. Krishna Nandan Singh, Sr. Advocate (ASGI)
		Mr. Ravindra Kumar Sharma, C.G.C.
		Mr. Devansh Shankar Singh, JC to ASG
		Mr. Sri Ram Krishna, JC to ASG
For the State	:	Mr. Kinkar Kumar, SC-9
	:	Mr. Ashutosh Kumar Upadhyay, AC to SC-9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJIV ROY)

Date : 05-05-2023

Heard learned counsel for the parties.

2. The present Public Interest Litigation has been



preferred by the petitioner for the following reliefs :

(I) for directing the respondent authorities to remove the encroachment over the land of Railways in between Gumti No.6 to Gumti No.7 [bearing Khesra No.733 pertaining to Khata No.690 measuring an area 148 decimals situated in Mauza- Khabra, and Khesra Nos. 1283, 1287, 609 (K) and 609(Kha) pertaining to Khata No.613 situated in Mauza- Nagarpalika Anchal- Mushahari, District - Muzaffarpur] illegally occupied by the anti-social elements on the ground that the same belongs to the Indian Railways as recorded in the Khatian;

(II) for directing the respondent authorities to fence the land in question of the Railways after removing the encroachment so that in future no one could encroach the said land;

(III) for the issuance of any other appropriate writ/writs/order/orders, direction/directions for which the writ petitioner shall be found entitled to under the particular facts and the circumstances of the case.

3. Learned counsel for the petitioner submits that he is a social worker and is perturbed after having found the land in between Gumti No.7 [bearing Khesra No.733 pertaining to



Khata No.690 measuring an area 148 decimals situated in Mauza- Khabra, and Khesra Nos. 1283, 1287, 609 (K) and 609(Kha) pertaining to Khata No.613 situated in Mauza- Nagarpalika Anchal- Mushahari, District – Muzaffarpur] being encroached by the anti-social elements who have also constructed more than 100 houses over it.

4. He further submits that one Prashant Kumar Priyadarshi had sought information under Right to Information Act, 2005 from the Public Information Officer, East Central, Railways, Muzuffarpur (hereinafter for short 'the Railways') regarding the status of the said land in question.

5. In response, 'the Railways' authorities provided information that :-

(i) for the present, they do not have any plan to develop Ram Dayalu Nagar Station;

(ii) some huts had earlier come up which were removed and they will be further taking steps for its removal after getting a Magistrate deputed by the State Government (Annexure-P-2 to the writ petition).

6. After hearing the parties and perusing the records, it is clear that the land in question belongs to the Indian Railways, they are conscious about some encroachment that has



come over it and in response to the Right to Information have further replied that they will be taking steps for removal of encroachment after getting a Magistrate deputed by the State Government.

7. In the aforesaid background, we do not find it fit and proper to pass any appropriate order/direction. The Indian Railways itself being a mighty organization, it does not need the crutches of the petitioner herein to get the encroachment over its land removed as it is capable of doing so on its own.

8. This case does not come in the category of Public Interest Litigation, is misconceived and fit to be dismissed.

9. Accordingly, the writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Jagdish/-

AFR/NAFR	NAFR
CAV DATE	N/A
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