

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5856 of 2023

Ashutosh Anand S/o Achhutananda Sharma R/o Vill and Police Station-
Palanawa, Anchal-Raxaul, District-East Champaran, Bihar-845440 Also at
R/o 710, Shivaji Nagar Colony, Chhittupur, Varanasi, Uttar Pradesha-221005

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home (Police) Department, Bihar, Patna.
2. The Principal Secretary, Land Reforms Department, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate, East Champaran, at Motihari.
5. The Superintendent of Police, East Champaran, at Motihari
6. The Deputy Collector Land Reforms, Raxaul Distt-East Champaran
7. The Sub-Divisional Officer, Raxaul Distt-East Champaran
8. The Circle Officer, Raxaul Distt-East Champaran
9. The Officer In-Charge, Palanwa Police Station Distt-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Respondent/s : Mr. P.K. Shahi, AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 25-04-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Alleging encroachment of Government land by a
private individual, who has not been impleaded as party to the
writ petition as also a prayer not to proceed for shifting of the
proposed police station building of *palanwa* police station has
been raised in the instant writ proceedings by way of Public



Interest Litigation.

3. The Bihar Public Land Encroachment Act, 1956 provides adequate remedy, if there is any encroachment of any public land. The encroachment alleged in Annexure P4 is an issue which the petitioner may raise under the Act or other civil remedies in accordance with law, that also after impleading the alleged encroacher.

4. Insofar as the proposed construction of police station building at a particular location is concerned, this Court would observe that such decision is essentially a matter of executive policy based on various administrative issues/factors, including accessibility to the police station, its locational advantage, having regard to the area of policing to be undertaken by the police station, size of land and proximity to other administrative infrastructure, etc.

5. The alleged claim of a party regarding a particular location being more suitable than another is not an issue which this Court ought to entertain in a proceedings under Article 226 of the Constitution of India. While one location is more suitable as per one person, another location may be suitable as per another person. Therefore, such issues are best left to the executive decision based on all relevant factors.



6. This Court does not find any issue of public interest raised in the instant writ proceedings.

7. Accordingly, the writ application is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

rajkishore/-

AFR/NAFR	N/A
CAV DATE	N/A
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