

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9062 of 2023

Manoj Kumar Son of Late Rameshwar Prasad Resident of Vageshwari Road,
Vageshwari Gumti, P.S.-Delha, District-Gaya. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Land Reforms Department, Patna.
2. The District Magistrate, Gaya.
3. The Circle Officer, Town Circle, Gaya.
4. The National Textile Corporation Limited, 7, J.L.N. Road, Kolkata-700013.
5. The Sr. Manager (H.R.), National Textile Corporation Ltd. W.R.O., Mumbai, 3rd Floor, N.T.C. House, 15, N.M. Marg, Ballard Estate, Mumbai-400001.
6. The N.L.B.D. Marketing Pvt. Ltd. through its Authorized Director Sri Susil Kumar Saraf, S/o Late Shambhu Nath Saraf, Official Address-7, Ganesh Chandra Avenue, 3rd Floor, Kolkata-700013.
7. Sri Baliram Kumar Son of Ramsharan Prasad Resident of Mohalla-Rajendra Path, P.S.-Kotwali, District-Gaya.
8. Sri Dharendra Kumar Singh Son of Late Yamuna Singh Resident of Vilalge-Bhikhanpur, P.S.-Chandauti, District-Gaya.
9. Sri Jitendra Kumar Singh Son of Late Yamuna Singh Resident of Vilalge-Bhikhanpur, P.S.-Chandauti, District-Gaya.
10. Sri Kaushlendra Kumar Singh Son of Late Yamuna Singh Resident of Vilalge-Bhikhanpur, P.S.-Chandauti, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate
For the Respondent/s : Mr. Md. Mujtabaul Haque GP12

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

2 04-07-2023 Heard the parties.

The petitioner who claims himself to be a social
worker, has filed the instant case in the nature of a public



interest litigation praying for the following relief(s) :-

“(1) To direct the respondents authorities to remove the encroachment upon the Government Public Land under Gaya Mauza-Kandi Nawada, Thana No. 189, Plot No. 502, 517, 533, 540, 541 type Gairmajarua Aam land for need of Gaya City looking as and moving freely smoothly without any hindrance.

(II) To direct the respondents authorities to remove the encroachment upon the Government Public Land soon in the Survey Khatiyon as Gairmajarua Malik under Gaya Mauja Kandi- Nawada, Thana No. 189, Plot No. 492, 538, 504, 536 and 457 total area 25 decimal. The aforesaid land has been encroached by encroachers.

(III) To direct the respondent authorities to accelerate enquiry and take appropriate action against erring officials and persons by whose omission and commission has resulted in loss of huge amount of public money, which will be evident from the facts narrated in detail in subsequent paragraphs hereto.

(IV) To appoint the independent agency to enquire, institute and investigate the regular case for fair and impartial investigation and to submit report to the



competent authority/ court so that those guilt of misuse of public land are brought to book and are not left scot free with protective umbrella.

(V) To direct the respondents to do the necessary action within fortnight and remove the encroachment and said free the Gaya Town from the encroachment upon Giarmazarua Aam and Giarmazarua Mali land/Public land.

The case of the petitioner in brief is that as a result of the illegal sale in which the respondent authorities were also involved, a Gairmajarua-aam land public land was sold on which an illegal construction has been made on the public land. In spite of various attempts by the petitioner, the encroachers are not ready to vacate the same. The petitioner having filed representations before the respondents, they continue to sit over the same for the last more than seven years. Hence this case.

Having perused the material on record and having heard learned counsel for the parties, in the opinion of the Court, the instant case filed in the nature of a public interest litigation is not maintainable. The petitioner has an equally alternate and efficacious remedy of moving the statutory authority under the Bihar Public Land Encroachment Act, 1956.



In view of the above, the instant case being not maintainable, the same is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

