

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8021 of 2023

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1. Subodhkant Singh son of Sri Kailash Singh, resident of Village- Gaurichak, Post-Bidouli, Gafurichak, Police Station- Bhagwanganj, Circle- Masaurhi, District-Patna (Bihar), Pin Code No. 804452, Mobile No. 7992408541.
 2. Praveen Kumar, son of Sri Fagu Singh, resident of Village- Gafurichak, Post-Bidouli, Gafurichak, Police Station- Bhagwanganj, Circle- Masaurhi, District-Patna (Bihar), Pin Code No. 804452, Mobile No. 7992408541.
 3. Mishri Singh, son of Sri Kashi Singh, resident of Village-Gafuri Chak, Post-Bedouli, Police Station-Bhagwanganj (Masaurhi), District-Patna (Bihar), Pin Code No. 804452, Mobile No. 9006042802.
 4. Shashi Kant Kumar, son of Sri Virbali Singh, resident of Village-Kazichak, Post-Bidauli, Police Station-Bhagwanganj Kazichak, District-Patna (Bihar), Pin Code No. 804452.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Second Appellate Authority Patna, District-Patna.
4. The Additional Collector (Public Grievance Redressal) cum-first Appellate Authority, Patna, District-Patna.
5. The Sub-Divisional Public Grievance Redressal Officer, Masaurhi, Patna, District-Patna.
6. The Circle Officer, Masaurhi, Patna, District-Patna.
7. The Officer-in-Charge Bhagwanganj, Masaurhi Police Station (Patna).
8. Mahesh Yadav, son of Basudev Singh, Unsocial element and Arrant Criminal Resident of Village-Gafurichak, Post-Bidauli, Police Station-Masaurhi, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Subhash Patel, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC9

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

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)



2 19-06-2023 Heard learned counsel for the petitioners and learned counsel for the respondents.

The petitioners who claim themselves to be social workers and villagers of Gaurichak and Kazichak under Police Station- Bhagwanganj, Circle- Masaurhi in the district of Patna claim to have no direct or indirect personal interest in the subject matter of the instant writ application which has been filed by way of a Public Interest Litigation for the following reliefs:

“(i) For Issuance of an appropriate writ/writs order/orders Direction/directions directing to the respondent authority concerned to consider the case of the petitioners are not encroacher of the Government land which is not drainage and ahar of village Gaurichak bearing Mauza- Gafurichak, Thana No. 213, Khesra No. 1, 2, 31, 39, 50, 105, 171, 172, 201 and Mauza Kajichak Thana No. 212 Khesra No. 374, 502, 503, 504, 690, 454 is the Khatiyani land no any question raise in this land and no any encroachers by the local public of this land. There is question of inquiry over the said very land.

(ii) For issuance of an appropriate writ/s order/s, direction to the respondents with consent and villagers local meeting was held on 04.04.2019 and 15.06.2020 for urahi of Drain water and ahar the said very land village Gafurichak and Kajichak and duly representation application before, the Circle



Officer Masaurhi Respondent no. 06 by the General public but same vilalgers and Anti Social element and arrant criminal namely Mahesh yadav Son of Basudeo Singh respondent no. 08 with out inquiry of the said Drainage and ahar land on the basis of application dated 04.04.2019 and 15.06.2020 before the Circle officer Masaurhi instituted has been encroachment Case no. 01/2021-2022 against the Gafurichak and Kajichak villager over the said very land and grievances of Respondent no. 08 regarding non- service of proper notices. There is question of enquiry said very land and during the pendency for writ application. The Circle Officer Masaurhi Patna encroachment case No. 01/2021-2022 against the Gafrichak and Kajichak villagers over the said very land may kindly stayed.

(iii) For issuance of an appropriate writ/s order/s, direction to the respondents the unsocial element of the villager Gafurichak and Kajichak also detail & false application filed on 21.12.2020 before the respondent no. 05 Sub-Divisional Public grievance Redressal Officer Masaurhi has been passed an order on 26.02.2021 with direction proceeding to Circle Officer initiating the under Bihar Public Land encroachment Act 1956 and also filed false application before the additional Collector (Public Grievance Redressal) authority, Patna on 20.03.2021 appellate then on 17.09.2021 respondents has been pleased to remand the matter and passed the order according to law but no any objection in false application filed by the respondent no. 08 over the said very land and supported



documents concerning in encroachment case.

(iv) For issuance of an appropriate writ/s order/s, direction to the respondents the respondent no. 08 social element also filed second appeal before the District Magistrate Cum Second appellate authority Patna has been pleased to direct to the Circle Officer Encroachment to Case start no. the proceeding of 1/2021-2022 and concluded the same according to law and remove the encroachment over the said very land no any question raise to the inquiry the said land the Respondent no. 08 also has been filed encroachment case before the Hon'ble High Court which is C.W.J.C. No. 7591/2022 and order has been passed on 05.12.2022 in this matter the final order under section 6(1) of the Bihar Public Land Encroachment act 1956 without service of proper notice.

(v) For issuance of an appropriate writ/s order/s, direction any other relief or reliefs for which the petitioners are found entitled under the law in facts and circumstances over the said very land.”

The substance of the case of the petitioners is that a proceeding has been illegally initiated under the Bihar Public Land Encroachment Act, 1956 at the instance of the respondent no.8, although, there is no encroachment over the land in question. It is further contended that on the above application filed by respondent no.8, without conducting any inquiry, Encroachment Case no.1 of 2021-22 has been registered and the



Circle Officer, Masaurhi, District-Patna (respondent no.6) is proceeding with the encroachment case without any proper service of notice on the persons concerned.

Having perused the materials on record, the averments made in the writ application and the prayer made in the instant case wherein the contention of the petitioners is that they are not encroachers of any Government land and as such the encroachment case should not be proceeded with, the Court is of the opinion that there is no public interest involved and there is no merit in this public interest litigation filed by the petitioners. The petitioners admittedly aware of the Encroachment Case initiated, could as well appear before the authority and contest the same. The subject matter is not one of public interest and is purely of individual rights of the petitioners.

This application is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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