

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9042 of 2023

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Kameshwar Rai, Son of Late Ram Subhag Rai, Resident of Village-
Shukulpurva, Police Station-Sonhan, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Patna.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Patna.
5. The Deputy Inspector General of Police, Shahabad Range, Dehari on Sone, Rohtas.
6. The District Magistrate, Kaimur, Bhabhua.
7. The Superintendent of Police, Kaimur, Bhabhua.
8. The Sub Divisional Officer, Kaimur, Bhabhua.
9. The Deputy Collector Land Reforms, Bhabhua, District Kaimur.
10. The Block Development Officer, Bhabhua, District Kaimur.
11. The Circle Officer, Bhabhua, District Kaimur.
12. The Station House Officer, Police Station Sonhan, District Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Advocate
For the Respondent/s : Mr. Mujtabaul Haque, GP-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 03-07-2023

Heard learned counsel for the parties.

2. The petitioner, who claims himself to be a farmer
having no personal grievance nor direct or indirect interest in



the matter has filed the instant case in the nature of a Public Interest Litigation praying for the following relief :-

“That this application is being filed on behalf of the above named petitioner for issuance of appropriate writ/writs, order/orders, direction/directions to the Respondents with regard to removal of the encroachment from the Public Land/Road passing through the land appertaining to Khata No. 25 Plot No. 35, 36, 72, 132, 104 and 84; Khata No.28 Plot No. 154, 157, 161, 170, 187, 181, 196, 205 and 211; and Khata No. 29 Plot No. 221, 218, 232 and 233 connecting the main Road of the village, situated within Mauja Shukulpurva, District Kaimur (Bhabhua), which has been illegally encroached by some of the muscle men of the locality who cut the Rasta/Road causing great inconvenience to the local public.”

3. On perusal of the averments made in the writ application, it transpires that the case of the petitioner is that the road in question which is the only road connecting the village to the main village road has been encroached upon by the six persons, whose names find mention in the representation (Annexure-3) addressed to the District Magistrate, Bhabhua (Kaimur). No action having been taken by the respondents for removal of encroachment from the public land/road, thus, the instant Public Interest Litigation.



4. At the outset, it may be mentioned here that the petitioner has not made the alleged encroachers as party respondents in the instant application.

5. Further in the opinion of the Court, for the relief prayed for herein, the petitioner has an equally alternative and efficacious remedy of moving the appropriate authority by filing an appropriate case under the Bihar Public Land Encroachment Act, 1956.

6. In view of the alternative and efficacious statutory remedy being available to the petitioner, the instant Public Interest Litigation will not be maintainable.

7. The application is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
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