

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8841 of 2023

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Niraj Kumar S/o Dineshwar Choudhary, Resident of Village-Bakshu Bigha,
P.O.-Chand Chaura, P.S.-Vishnu Path, District-Gaya-823001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Gaya.
3. The S.D.O. Nimchak Bathani, Gaya.
4. The D.C.L.R. Nimchak Bathani, Gaya.
5. The Circle Officer, Atri Circle, Gaya.
6. The Bihar State Board of Religious Trust through its Superintendent Vidyapati Marg, Patna-1.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. Anjani Kumar, AAG 4

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

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

2 24-06-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The instant application has been filed for the
following relief(s) :-

“a. To direct the respondents authority to
remove the encroachment upon the public land
under Mauza - Teusa, Thana No. 57, Circle Atri,
C.S. Khata No. 139 plot no. 965 Area 0.24
Decimal, plot no. 828 Area 0.8 decimal, noted as
Gairmajarua Malik Katnedar Khata no. 140, plot
no. 966 Area 0.7 decimal, Khata no. 148, plot no.



963 Area 0.8 noted in Khatiyani as Ramjanki Thakubari and plot no. 829 Area 0.20 Decimal comes under District board for smooth travelling from Gaya to Rajgir Main Road.

b. To direct the respondents authority to accelerate enquiry action and take appropriate action against erring officials and persons by whom omission or 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.

c. 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 guilty of misuse of public land are brought to book and are not left scot free with protective umbrella.

d. Any Director the respondents to take immediate necessary action for vacating the public and religious trust land.”

3. The case of the petitioner in brief is that inspite of one Baijnath having filed a petition for removal of encroachment before the Circle Officer, Atri, no action was taken by the Circle Officer and the encroachers have not only encroached the public land, road, land of the temple but the authorities are keeping silent over the same.

4. Having perused the material on record, it transpires



that although the allegation have been made of encroachment over the public land as also some petition having been filed by one Baijnath Kumar, however, it may be noted that neither the said Baijnath Kumar is a party/petitioner in the instant application nor any details of any encroachment case or that of the encroachers have been given. To say the least, the instant application is lacking in material particulars.

5. Further, accepting the case of the petitioner for a moment, which is with respect to encroachment of public land, in the opinion of the Court, the petitioner has an equally alternate and efficacious remedy of filing an appropriate application with all material details under the Bihar Public Land Encroachment Act, 1956.

6. This application filed in the nature of a public interest litigation is not maintainable.

7. The application is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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