

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9214 of 2023

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Baijnath Singh Son of Late Ram Autar Singh resident of village - Shahjahan
Pur P.O. - Shahjahan Pur P.S. - Shahjahan Pur District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary Department of Revenue and Land Reforms Govt. of Bihar, Patna.
3. The District Magistrate Patna.
4. The Circle Officer, Daniyawar Patna.
5. Anil Singh, Son of Late Ram Sohan Singh, resident of village - Shahjahanpur Post - Shahjahanpur Dist. - Patna.
6. Gautam Singh, Son of Late Ram Hari Singh, resident of village - Shahjahanpur PO and PS - Shahjahanpur Dist. - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Supriya Rani, Advocate
For the Respondent/s : Mr. Md. N.H. Khan, SC1

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

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY

2 04-07-2023 Heard learned counsel for the parties.

The petitioner who claims himself to be a social worker having no direct and indirect interest in the issue raised, has filed the instant case in the nature of a public interest litigation for the following reliefs:

“1. That this writ application is being filed as a Public Interest Litigation for a writ of mandamus for an appropriate order/orders, directions/ direction to the appropriate authorities for



removable of the encroachment of Gair Mazarua land duly recorded in the Khatiyan by the respondent no. 5 and other villagers situated in Mouza Shahjahanpur, PS No. 112 Circle No. Daniyawan Patnacity Patna bearing PS NO. 991, Khata no. 272, Plot no. 1830, Area 1 Acre 2 Decimal, Plot no. 1943 Area 59 Decimal, Khata no. 271, Plot no. 1394, Area 12 Decimal, plot no. 1862, Area 37 Decimal, Plot no. 271, Plot no. 0.1827 Area Khata no. 272, Area 42 decimal, Total area 3 Acre 51 decimal, further for grant of status-quo of the land in question and for any other appropriates order/s as your Lordships may deem fit and proper in the facts and circumstances of the case.”

The case of the petitioner is that the land in question as described in paragraph no.1 which is quoted hereinabove is recorded as Gairmajarua Aam land in which the drain water/rain water flows, however, the same has been encroached upon by the private respondents. From the averment it further transpires that there is some mutation existing in favour of the private respondents.

It is the case of the petitioner that inspite of his filing representation before the respondents, the encroachment has not been removed.



Having heard learned counsel for the parties and having perused the material on record, in the opinion of the Court, the instant case filed in the nature of a public interest litigation will not be maintainable and the petitioner has an alternative and efficacious remedy of filing of an appropriate application before the statutory authority for cancellation of the order of mutation and/or filing an application for removal of encroachment under the Bihar Public Land Encroachment Act.

It is made clear that none of the observations made hereinabove in this order should be construed as any observation on the merits of the case of the petitioner.

The instant application filed in the nature of public interest litigation not being maintainable, the same is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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