

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11695 of 2023

Sanjay Kumar Labh, Son of Late Shreekant Labh, Resident of Village-
Dudhpura, P.S.-Hasanpur, Distirct-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Collector Cum District Magistrate, Samastipur.
3. The Sub-Divisional Officer, Rosara, Distirct-Samastipur.
4. Teh Deputy Development Commissioner, Samastipur.
5. The Circle Officer, Hasanpur, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr.P.K. Shahi (AG)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-08-2023

1. The writ petition is filed, purportedly in public interest, to remove the encroachment caused by the road starting from Dudhpura Bazar via Baniyan Toli and Kayasth Toli till Navin Yadav's house situated in Dudhpura Village and



Panchayat under Hasanpur Block and Rasara Sub-Division of Samastipur District. The writ petition also seeks for a direction to the respondents to register proceedings under the Bihar Public Land Encroachment Act, 1956, without stating as to why the petitioner himself did not seek for such remedy, which is permissible under the enactment.

2. We see that the named person to whose house the road is alleged to have been constructed has not been impleaded in the above writ petition. We also see that the petitioner has sought for a further direction to the respondents to cancel the land settlement *purcha* of those persons alleged to have been illegally granted the road land. In fact, it is not clear as to whether the encroachment has been caused by the road or it is on the road. The petitioner claims that many persons have encroached on both sides of the road by making permanent and temporary house holds and for keeping domestic animals. None of the said encroachers are impleaded in the writ petition.

3. We find absolutely no reason to invoke the extraordinary jurisdiction of this Court in the above case in which the petitioner also failed to appear when the matter was called in the morning and then called after being kept aside for hearing.



4. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2023
Transmission Date	

