

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12772 of 2023

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Santosh Jha @ Santosh Kumar Jha Son of late Uma Kant Jha, Resident of
Village- Parsauni P.S- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Govt. through the Chief Secretary, Bihar, Patna.
2. The Secretary, Rural Works Department, Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The Executive Engineer, Rural Works Department, District-Madhubani.
5. Sub Divisional Officer, Subdivision- Benipatti, District-Madhubani.
6. The Block Development Officer, Bisfi, District-Madhubani.
7. The Circle Officer, Bisfi, District-Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Shekhar Pathak, Advocate
For the Respondent/s : Md. Khurshid Alam, AAG-12

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 08-09-2023 The petitioner is aggrieved with the encroachment of

a land situated in District Madhubani. He seeks that the

respondent may be directed to remove the encroachment which

is occupied by two named persons; who, surprisingly, have not

been impleaded in the writ petition.

The learned counsel for the Government submits, on

instructions, that already a proceeding has been taken under the

Bihar Land Encroachment Act, 1956. Annexure-3 evidencing

the same has been produced along with the writ petition.



In such circumstances, there is no reason why the public interest litigation should have been filed. This is a cheap measure to hog publicity and we strongly deprecate it. The alleged encroachers also have not been impleaded, which again is a malicious attempt to secure orders behind their back.

We dismiss the writ petition with exemplary costs of Rs.5,000/- to be paid to the Bihar State Legal Services Authority, which if not paid within one month, shall be recovered as arrears due on land.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Saurabh/Bibhash

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