

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12662 of 2023

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Anil Kumar Gupta Son of Late Turanti Prasad Gupta, Resident of Block Chowk, Ward No. 5, Simari Bakhtiyarpur, Police Station Simari Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Urban Development, Patna.
2. The Additional Chief Secretary, Department of Urban Development, Patna.
3. The District Magistrate, Saharsa.
4. The Sub Divisional Officer, Simri Bakhtiyarpur, District- Saharsa.
5. The Executive Officer, Nagar Parishad, Simri Bakhtiyarpur, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Maharaj, Advocate
For the Respondent/s : Mr.Ajay, GA 5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-09-2023

The petitioner is aggrieved with the construction of a building said to have been commenced by the Executive Officer, Nagar Parishad on a road land appertaining to Thana No. 64, Mauza Bakhtiyarpur, Plot No. 4538.

2. The petitioner has a remedy by way of an application before the authority under the Bihar Public Land Encroachment Act, 1956. Without availing the alternate remedy, the petitioner has approached this Court in a public interest



litigation, which is not maintainable. The writ petition would stand dismissed with the above liberty.

3. The reservation of liberty does not mean that this Court has found *locus standi* on the petitioner or any encroachment on the road land, which has to be decided by the authority, if at all an application is moved under the enactment.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	08.09.2023
Transmission Date	

