

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12342 of 2023

Birjay Paswan, Son of Late Bhondhu Paswan, Resident of Mohalla-Paharpura, P.S.- Bihar Sharif, P.O.- Bihar Sharif, District- Nalanda.

... .. Petitioner/s

Versus

- 1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
- 2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna, District- Patna.
- 3. The Commissioner, Patna Division, District- Patna.
- 4. The Collector, Nalanda at Bihar Sharif, District- Nalanda at Bihar Sharif.
- 5. The Sub Divisional Officer, Bihar Sharif, District- Nalanda at Bihar Sharif.
- 6. The Circle Officer, Bihar Sharif, District- Nalanda at Bihar Sharif.
- 7. Parmanand Prasad, Son of Late Baldeo Prasad Resident of Mohalla-Paharpura, P.S.- Bihar Sharif, P.O.- Bihar Sharif, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Advocate
Ms. Ritika Rani, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj (GP-5)

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

Date : 01-09-2023

1. The petitioner in the above writ petition seeks restoration of a water body, which is now lying as Khata No. 247, Plot No. 01, Thana No. 98, Mauja Hujurpur, Mehnaur, having an area of 2 acre 24 decimal. An encroachment case is



also said to have been filed as Encroachment Case No. 5/2016-17.

2. It is stated that on 18.05.2016 the encroachment was brought to the notice of the Circle Officer, Anchal- Bihar Sharif, District- Nalanda, who addressed the SHO, Bihar to stop the construction over the subject land. It is also stated that the said land was lying as a water body in the nature of a river, over which a pucca house and boundary wall has been constructed by the 7th respondent. The villagers, including the petitioner, are said to have made representations before the District Magistrate, Nalanda and the Commissioner, Patna Division, Patna.

3. Admittedly, there is an Encroachment Case filed as Case No. 5/2016-17 under the Bihar Public Land Encroachment Act, 1956, wherein the 7th respondent has also appeared. It is vehemently argued by the learned counsel for the petitioner that there is undue delay.

4. In any event, a Public Interest Litigation cannot be filed to call upon the statutory authority to expeditiously dispose of a case filed before it. The Public Interest Litigation filed is misplaced and we find no reason to invoke our extraordinary jurisdiction to interfere in the matter.



5. The writ petition is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

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CAV DATE	
Uploading Date	06.09.2023
Transmission Date	

