

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13250 of 2023

Binod Kumar Singh son of Shri Jagat Narayan Singh, Resident of Northern Park Road, Police Station-Kadamkuan, Post Office-Kadamkuan, Patna-800003, Town and District-Patna, State-Bihar, India. He is practising as an Advocate in Honble Patna High Court, Patna and Civil Court, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Magadh Division, Gaya.
5. The District Officer, Jehanabad-cum-District Collector, Jehanabad-cum-District Magistrate, Jehanabad.
6. The Sub Divisional Officer, Jehanabad-cum-Sub Divisional Magistrate, Jehanabad.
7. The Circle Officer, Jehanabad.
8. The Superintendent of Police, Jehanabad.
9. The Assistant Police Superintendent, Jehanabad/Deputy Superintendent of Police, Jehanabad.
10. The Nagar Parishad, Jehanabad through its Executive Officer.
11. The Executive Officer, Nagar Parishad, Jehanabad
12. Md. Washi Ahmad, Son of Md. Tahir Hussain Ahmad, resident of Ward No. 09, Mohalla-Karpoori Nagar/Shahed Bhagat Singh Nagar, Mauza-Makhdumpur Unta, East Unta, Near Bharitya Communist Party M.L. (new name Maale, old name I.P.F.) Office (a Regional Political Party Office), situated in Ward No. 10, Post Office-Jehanabad, Police Station-Nagar Thana Jehanabad, Town and District-Jehanabad, State-Bihar, India, Pin code-804 417.
13. Ganesh Das, Son of Charitra Das @ Chalittar Das, resident of Ward No. 09, Mohalla-Karpoori Nagar/Shahed Bhagat Singh Nagar, Mauza-Makhdumpur Unta, East Unta, Near Bharitya Communist Party M.L. (new name Maale, old name I.P.F.) Office (a Regional Political Party Office), situated in Ward No. 10, Post Office-Jehanabad, Police Station-Nagar Thana Jehanabad, Town and District-Jehanabad, State-Bihar, India, Pin code-804 417.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishore Sinha, Advocate
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 : 19-09-2023

The writ petition is filed alleging encroachment on various properties, which have been referred to in the first paragraph of the memorandum. It is alleged that the respondent nos. 12, 13 and other persons have carried out such encroachment. It is specifically stated that the private respondents 12, 13, and others, who are anti-social elements, pick up a quarrel with the general public and threaten them with dire consequences. Even according to the petitioner, there are a number of encroachers, all of whom are not impleaded in the writ petition. Further, for the purpose of removal of encroachment, an efficacious alternate remedy is available under the Bihar Public Land Encroachment Act, 1956, where the affected parties will have to be impleaded.

2. There can be no Public Interest Litigation filed to remove encroachments on different extents of properties in different locations, especially when there is an alternate remedy available.

3. We reject the writ petition, leaving the liberty to the petitioner to approach the appropriate forum; but, however,



making it clear that we have not observed on the merits of the encroachments alleged or even the *locus standi* of the petitioner to proceed against such encroachments, which has to be adjudicated by the appropriate forum before which an application is filed.

4. Writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.09.2023
Transmission Date	

