

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12724 of 2023

Sanjeev Kumar, Son of Rajnandan Singh, Resident of Durga Ashram Gali,
Sheikhpura, Police Station-Hawai Adda, District-Patna.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Water Resources Department, Govt. of India, New Delhi.
2. The State of Bihar through the Additional Chief Secretary, Irrigation Department, Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Executive Engineer, Sone Canal Division, Khagaul, Irrigation Department, Patna.
5. The Circle Officer, Phulwarisharif, Patna.
6. The Circle Officer, Sampat Chak, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. J.P. Singh, Advocate Mr. Rajeev Kumar, Advocate Mr. Arvind Kumar Pandey, Advocate
For the Respondent/s	:	Dr. K.N. Singh, Additional Solicitor General Mr. Amish Kumar, A.C. to AG

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

Date : 05-10-2023

Vide judgment dated 05.09.2023 the matter was dismissed. However, it appears that inadvertently a different judgment was typed, which needs to be recalled. As such, we recall the judgment dated 05.09.2023 and pass the following judgment:-

2. In the present case, the petitioner has sought for removal of encroachment from the Canal Dariyapur-Rajwaha



situated within Phulwarisharif and Sampat Chak Block, District-Patna by initiating a proceeding under Section 3 of the Bihar Public Land Encroachment Act, 1956. It is not clear as to why the petitioner himself did not approach the authority under the Act for removal of such encroachment. Further, it has to be noticed that the alleged encroacher has not been impleaded in the above writ petition. In any event, we are of the opinion that a Public Interest Litigation would not be maintainable for the reliefs prayed.

3. The writ petition would stand dismissed leaving liberty to the petitioner to approach the authority under the Bihar Public Land Encroachment Act, 1956, but without expressing anything on the *locus standi* of the petitioner or the merits of the matter; which has to be considered by the appropriate authority.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	07.10.2023
Transmission Date	

