

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14793 of 2023

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Shailendra Pandey Son of Late Ram Lakhan Pandey, Social Worker Cum-
R.T.I. Activist-Cum- Co-Editor, Weekly News Paper, Resident of village/
Mohalla- Ram Nagar, P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Officer-Cum- Collector, Nawada.
4. The Additional Collector, Nawada.
5. The Deputy Collector, Nawada.
6. The Deputy Collector, Land Reforms, Nawada.
7. The Circle Officer, Nawada Block, Nawada.
8. The Station Head Officer, Nawada Town, P.S.- Nawada Town, District- Nawada.
9. The District Sub- Registrar, District Registration Office, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj (GP-5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-12-2023

The petitioner claiming to be a social activist prays
for removing all types of ban from the land in question bearing
Khata No. 1044, 1990,2000,2001 and 2002, with total area
14.08 acre situated at Village Budhaul Halka Gonawa Anchal
Nawada near by Nawada town which is wrongly recorded as
Anawad Sarv Sadharan (Bihar Sarkar). The land is said to be



one belonging to one Manti Devi, who filed a title suit against the Government, which was decreed. An appeal filed by the State was also dismissed and based on the decree a Jamabandi was created in the name of Manti Devi and accordingly the rent is also paid by the person regularly. Four acres of the land so obtained were sold to more than fifty purchasers who are unable to get the land mutated in their names since it is recorded in Anabad Sarv Sadharan. It is also claimed that there is illegal encroachment of the government land by anti-social elements.

2. The contentions are mutually destructive. If the lands belong to individual persons, then it cannot be said to be Government land. If there are encroachments on private property, then it is for such individuals to approach the appropriate authority to remove the encroachment. Further, even a denial of mutation, as pleaded in the writ petition, would have to be agitated by the individual who claims title over the property by reason of a purchase made from the title holder.

3. We find the writ petition to have been filed without any responsibility. Despite the petitioner having claimed illegal encroachment by land mafia and also asserted an F.I.R. having been registered, the persons who are alleged to have carried out the encroachment are not impleaded. The writ



petition is a clear abuse of process of law and it is a publicity induced litigation and not a Public Interest Litigation.

4. We dismiss the writ petition with cost of Rs. 10,000/- imposed on the petitioner which shall be paid to the Bihar State Legal Services Authority. If the same is not paid within one month, it shall be recovered by the Bihar State Legal Services Authority by resorting to revenue recovery proceedings as is permissible for recovery of arrears due on land.

5. The writ petition is dismissed with the above cost.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.12.2023
Transmission Date	

