

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14451 of 2023

=====

Shivnandan Prasad Son of Late Indradev Prasad, Resident of Ghatara, P.S.
Guraru, District Gaya, Bihar./

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Gaya, Bihar.
3. The Senior Superintendent of Police, Gaya, Bihar.
4. The Deputy Collector Land Reforms, Tekari, District Gaya, Bihar.
5. The Circle Officer, Guraru, District Gaya, Bihar.
6. The Officer Incharge Guraru Police Station, District Gaya, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ansh Prasad, Advocate
For the Respondent/s : Mr. P.K. Shahi (AG)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-10-2023

The present writ petition has been filed as a public interest litigation seeking direction for removal of the encroachment and illegal construction on the public Gairmazarua Aam land admeasuring 4 Acres 14 Decimals within the jurisdiction of Circle Officer, Guraru.

2. In the present petition, the petitioner has named many encroachers but has not impleaded any of them, which is a clear abuse of process of law.

3. In any event, the petitioner has an alternate remedy



to proceed under the Bihar Public Land Encroachment Act, 1956. There cannot be maintained a Public Interest Litigation on the subject matter nor is the invocation of the extraordinary power possible; when there is such an alternate efficacious remedy available.

4. Present petition stands dismissed with the liberty aforesaid; without any observation on merits, or even the *locus standi* of the petitioner, which has to be decided by the Appropriate Authority under the Act of 1956.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

kiran/anushka-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.10.2023
Transmission Date	

