

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3747 of 2024

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Md Mustak Son Of Isha Miyan Resident of Village- Anyay Babangawan,
P.S.- Parsa, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Revenue and Land Reforms Deptt; Bihar Patna.
2. The Collector Cum District Magistrate, Saran at Chapra.
3. The Additional Collector, District Saran at Chapra.
4. The Sub-divisional Officer, District Saran at Chapra.
5. The Circle Officer, Block- Parsa, District Saran, Chapra.
6. Md. Keyamuddin Son Of Abdul Hasan Resident Of Village- Anaya, P.S.- Parsa District- Saran(Chapra)
7. Kaisar Ali Son Of Late Id Mohammad Resident Of Village- Anaya, P.S.- Parsa District- Saran(Chapra)
8. Shekh Mashali, Son of Shekh Ramjan Resident of Village- Anaya, P.S.- Parsa District- Saran(Chapra).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Uday Prakash Shrarma, Advocate Mr. Mrityunjay Kumar, Advocate Mr. Ravinesh, Advocate
For the Respondent/s	:	Mr.P.K.Shahi, Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-03-2024 The petitioner is before this Court alleging encroachment on *Kabristan*.

2. Admittedly, there is an encroachment case pending and the specific contention taken is that the 8th respondent has created illegal *Jamabandi*. The learned counsel for the petitioner



submits that the encroachment case is with respect to an adjacent property. The officials of the State Government contends that unless the *Jamabandi* is cancelled, there cannot be any action taken.

3. It is for the petitioner to work out his remedies and not file a public interest litigation for cancellation of *Jamabandi* or even for removal of encroachment, for which the remedy is under the Bihar Public Land Encroachment Act, 1956, specifically framed for the purpose.

4. The writ petition would stand dismissed, leaving such liberty, without any observation either on the locus of the petitioner or the merits of his claim, which is to be decided by the appropriate authority.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Sujit/-

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