

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4835 of 2024

Md. Shahid Hanif Son of Md. Sabir Hanif Resident of Mohalla- Bari Karbala,
Bhagwanpur, P.S.- Muzaffarpur Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna.
3. The Secretary, Minority Welfare Department, Government of Bihar, Patna.
4. District Magistrate- cum- Collector, Patna, District- Patna.
5. The District Land Acquisition Officer, Patna, District- Patna.
6. Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan, 34 Ali Imam Path
(Harding Road), Patna through the Chief Executive Officer.
7. The Chairman, Bihar State Shia Wakf Board, 2nd Floor, Haj Bhawan, 34 Ali
Imam Path (Harding Road), Patna.
8. The Chief Executive Officer, Bihar State Shia Wakf Board, 2nd Floor, Haj
Bhawan, 34 Ali Imam Path (Harding Road), Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Respondent/s : Mr. Advocate General

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 22-03-2024

The present writ petition by way of Public Interest Litigation is filed seeking a direction upon the respondent authorities to make enquiry in relation to acquisition of land bearing Mutation Ward No. 2, Sheet No. 21, Mutation Khesra No. 65 for the purposes of construction of Akashbani Metro Station under Metro Rail Station as also in the matter of payment of compensation to the so called landholders/



encroachers by the respondent Collector, Patna vide memo no. 1664 dated 08.07.2023.

2. The learned counsel for the petitioner while pressing the present application submitted with force that the respondent authorities in collusion with its officials and other land grabbers had concealed the pertinent facts that the land in question belongs to Waqf Board and there is pending appeal, being Appeal No. 43 of 2022 before the Waqf Tribunal, in order to extend undue compensation to the so called owners/encroachers.

3. It was further argued that there is a requisition filed by the Chief Executive Officer, Bihar State Shia Waqf Board before the District Magistrate cum Collector, Patna (respondent no. 4) against the unauthorized transfer of the land in question. The respondent no. 4 declared the transfer of the land in question as illegal and directed to remove the encroachment over the land in question and handover to the Waqf Board vide the order dated 02.06.2022, the copy of which is produced as Annexure P/1.

4. It has further been contended that against the afore-noted order dated 02.06.2022, the aggrieved persons have approached before the Waqf Tribunal in Appeal No. 43 of 2022,



which is pending for consideration.

5. Having heard the learned counsel for the petitioner and after perusal of the materials available on record this Court is of the opinion that the present case in no stretch of imagination can be said to be a Public Interest Litigation, where the matter relates to acquisition of the land and the claim of the ownership of the land in question is, admittedly under consideration before the Waqf Tribunal as a bonafide dispute between the parties. The writ petition is also bad for non-joinder of necessary parties.

6. In view of the aforesaid facts this Court does not find any merit in the writ petition and the present application is nothing but a misuse of Public Interest Litigation, thus, the writ petition stands dismissed with caution to the petitioner.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2024
Transmission Date	NA

