

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9931 of 2021

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Deepak Kumar Sinha, Son of Bindeshwar Prasad Sinha, Resident of House No. 33, Hawamahal, Rajendra Path, North S.K. Puri, P.O.- Patliputra, P.S.- S.K. Puri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Land Revenue Department, Government of Bihar, Patna.
2. The Secretary, Land Revenue Department, Government of Bihar, Patna.
3. The District Magistrate-Cum- District Collector, Patna.
4. The Sub- Divisional Officer, Patna Sadar, District- Patna.
5. The Circle Officer, Patna Sadar, District- Patna.
6. The Station House Officer, Rajiv Nagar, District- Patna.
- 7.1. Kumar Sunil Singh, son of Late Satyanarayan Singh, Resident of Ekauna Kothi, Keshri Nagar, P.S.-Shastri Nagar, District-Saran.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13093 of 2013

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Satya Narayan Singh, S/O Late Jeev Nandan Singh, Resident of Mohalla- Keshri Nagar, P.S- Shastri Nagar, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Collector, Distt- Patna.
4. The Deputy Collector of Land Reforms, Patna Sadar, Distt- Patna.
5. The Circle Officer, Patna Sadar, Distt- Patna.
6. The Officer In Charge, P.S- Shastri Nagar, Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 9931 of 2021)

For the Petitioner/s : Mr.Brisketu Sharan Pandey, Advocate

For the Respondent/s : Md. Shailendra Kumar Dwivedi, AC to AAG-12

For Respondent No.7.1 : Mr. Kamal Nayan Chaubey, Sr. Advocate

Mr. Prabhat Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 13093 of 2013)

For the Petitioner/s : Mr. Kamal Nayan Chaubey, Sr. Advocate



For the Respondent/s : Mr. Prabhat Kumar, Advocate
Mr. Mrigendra Kumar, AC to GP.-20

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 26-04-2024

C.W.J.C. No. 9931 of 2021 and C.W.J.C. No. 13093 of 2013 are placed before us, one a Public Interest Litigation and the other a writ petition against the proceedings taken under the Bihar Land Encroachment Act, 1956 by the petitioner in the Public Interest Litigation. Subject matter of both the cases is one and the same.

2. We heard Mr. Kamal Nayan Chaubey, learned Senior Counsel, appearing for the petitioner in C.W.J.C. No. 13093 of 2013 and Mr. Brisketu Sharan Pandey, learned Counsel, who appears for the petitioner in the Public Interest Litigation.

3. The Public Interest Litigant had approached the authority under the Bihar Land Encroachment Act, 1956 (hereinafter referred to as 'the Act of 1956') in which an order was passed to remove the encroachment. The person in possession approached this Court in C.W.J.C. No. 13093 of 2013, without impleading the Public Interest Litigant who had approached the authority under the Act, 1956 and obtained a



stay of the order under the Act of 1956.

4. The learned Senior Counsel submits that the petitioner would rather have the matter heard by the learned Single Judge so as to not deny himself the right of an appeal, if at all he is prejudiced by the order passed. Learned Counsel appearing for the Public Interest Litigant however submits that there is considerable delay in so far as the writ petition itself being of the year 2013.

5. Admittedly no Public Interest Litigation can be proceeded with for removal of encroachment, especially when the petitioner had approached the authorities under the Act of 1956. It is brought to our notice that though the public interest litigant who had initiated the proceedings under the Act of 1956 had not been impleaded in the writ petition filed by the alleged encroacher, he has now filed an application dated 29.06.2022 for impleadment.

6. Learned Senior Counsel submits that the petitioner in the writ petition would not object to the impleadment.

7. Considering the totality of the circumstances, we are of the opinion that the public interest litigation need not be entertained at this stage. The proceedings before the learned



Single Judge has to be finalized and we request the learned Single Judge having roster to expedite the matter specially since the matter has been pending before this Court for a decade. We also record the submission of the petitioner in the writ petition that they would not object to the impleadment, which in any way cannot be objected to since it is the public interest litigant, who approached the authority under the Act of 1956.

8. Without any observation on the merits, we close the Public Interest Litigation and direct the Registry to post C.W.J.C. No. 13093 of 2013 before the learned Single Judge having roster on Thursday i.e. 02.05.2024.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.04.2024
Transmission Date	NA

