

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10533 of 2023

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Amar Prakash Sharma Son of Late Ramswaroop Sharma, resident of Village -
Mussi, P.S. - Tekari, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar at Bihar Old Secretariat, Patna.
2. The Additional Chief Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Commissioner Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The Land Reforms Deputy Collector, Tekari, District - Gaya.
6. The Circle Office, Tekari, Gaya.
7. The Senior Superintendent of Police, Gaya.
8. Anil Sharma, Son of Late Indradev Singh, resident of Village and Post - Chichaura, P.S. - Konch, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Raghwanand, GA-11
		Mr. Pratik Kumar, AC to GA-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 21-06-2024

The matter has been placed under the defective side.

2. Earlier vide order dated 03.08.2023, two weeks' time was granted to the petitioner to remove the defects, but the same has not been removed till date.

3. Today, when the matter was called out and then kept aside and taken up for hearing, there is none to represent



the petitioner.

4. Learned Government Advocate is present.

5. The petitioner by invoking the jurisdiction of this Court by way of a Public Interest Litigation seeks a direction upon the respondents to hold an enquiry on his representation, in relation to unauthorized encroachment of Government *Aahar* (*Chhotki Sita Aahar*) at village Mussi, P.S.-Tekari, District Gaya at the hands of respondent no.8.

6. Averments made in the writ petition suggest that respondent no.8 established a rice mill over the Government *Aahar*, which had been a source of public irrigation in the adjacent area since long. The aforesaid fact of unauthorized encroachment has also been brought to the knowledge of the people's representative and representation has been filed before the District Magistrate, Gaya, but to no avail, is also averred in the petition.

7. Learned Advocate for the State submitted that the petitioner has efficacious alternative remedy under the Bihar Public Land Encroachment Act, 1956.

8. Considering the nature of the grievance, which relates to removal of unauthorized encroachment over the Government land, this Court finds no reason or occasion to



entertain the present writ petition. Certainly, by passing the remedy under the law of the land, the petitioner has approached this Court by filing this Public Interest Litigation, which in the given facts and circumstances is without any merit.

9. Accordingly, the present writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.06.2024
Transmission Date	NA

