

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11437 of 2024

1. Prem Kumar Singh Son of - Sri Lalan Singh, Resident of Village/Mohalla- Bihta, Post- Bihta English, P.S.- Imadpur, Anchal- Tarari, District- Bhojpur (Arah) Bihar, Pin Code No.-802209, Adhar No. 2864 9943 4440, Mob No- 9431049931.
2. Binod Singh Son of Sri Nandi Singh Resident of Village/Mohalla- Bihta, Post- Bihta, P.S.- Imadpur, Anchal- Tarari, District- Bhojpur (Arah) Bihar, Pin Code- 802209, Adhar No.- 9415 7297 2149.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary Revenue and land Reform Department Government of Bihar Patna.
3. That Collector (Public Grievance Redressal) cum- Second Appellate Authority, Bhojpur, District- Bhojpur Arah.
4. The Additional Collector (Public Grievance Redressal) cum-first Appellate Authority Bhojpur District- Bhojpur (Arah).
5. The Sub Divisional (Public Grievance Redressal) Officer, Piro, Bhojpur, District- Bhojpur (Arah).
6. The Circle Officer Tarari, Bhojpur, District- Bhojpur Arah.
7. The Officer in-charge Imadpur Police Station, District- Bhojpur (Arah).

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Advocate General

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 14-08-2024 The petitioners are before this Court seeking removal of an encroachment from a Government pond spread over about 3 and half acres of land situated in Bihata, Police Station Imadpur, District- Bhojpur at Ara bearing Khata No.



1055, Kheshra No. 3079 and Khata No. 1056, Kheshra No. 3600, 3602, 3603, 3604, 3605, 3607, 3608, 3609, 3610 and 2984.

2. When we took up the matter at the time of roll call the matter was kept aside for hearing. When it was taken up for the second time and third time, none appeared for the petitioners.

3. We perused the records and heard the learned Government Advocate. The Learned Government Advocate specifically points to Annexures- 4 and 5 wherein it is indicated that the District Administration has taken steps to remove the encroachment. In any event if the encroachment is not removed, the petitioners have a remedy under the Bihar Public Land Encroachment Act, 1956. We also notice that none of the alleged encroachers have been made parties in the Public Interest Litigation.

4. In the above circumstances, we reject the writ petition, however, leaving legal remedy to the petitioners to approach the Authority under the Bihar Public Land Encroachment Act, 1956 impleading proper parties and in that circumstance the decision to be taken by the Authority shall be left to its discretion based on the evidence led before it and it shall not be



governed merely by the liberty granted by us.

5. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Harsh/-

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