

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16132 of 2023

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Rajeshwar Paswan Son of Late Mahabal Paswan, Resident of Village-
Bajpura, Post and P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Gaya.
2. The Circle Officer, Belaganj, Gaya.
3. The Block Development Officer, Belaganj, Gaya.
4. Keshari Nandan Singh, Son of Late Janak Singh, Resident of Mohalla- Front of IMA Road (IMA Hall) near Biskar Talaw, Office of District Education Officer, Sadar Gaya, District- Gaya- Pin Code- 823001, Mob No. 7004803220.
5. Anil Kumar Singh, Son of Late Janak Singh, Resident of Mohalla- Front of IMA Road (IMA Hall) near Biskar Talaw, Office of District Education Officer, Sadar Gaya, District- Gaya- Pin Code- 823001, Mob No. 7004803220.
6. Anjani Kumar, Son of Late Janak Singh, Resident of Mohalla- Front of IMA Road (IMA Hall) near Biskar Talaw, Office of District Education Officer, Sadar Gaya, District- Gaya- Pin Code- 823001, Mob No. 7004803220.
7. Jitendra Kumar Singh, Son of Keshri Nandan Singh, Resident of Mohalla- Front of IMA Road (IMA Hall) near Biskar Talaw, Office of District Education Officer, Sadar Gaya, District- Gaya- Pin Code- 823001, Mob No. 7004803220.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Sharma, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (SC-25)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-01-2024

The petitioner by the above Public Interest Litigation seeks to raise the issue of encroachment upon the Sarv Sadharan Anabad Bihar Sarkar where Devi Astal and Kachahari Bhawan are said to be situated. The land is said to be situated just near



the Belaganj Railway Station, Village- Bajpura, P.O. and P.S.- Belaganj, District- Gaya and pertains to Khata No. 106, Plot No. 96 to 103. The petitioner seeks to relieve the land of the encroachment. At the outset, it has to be observed that for removal of encroachment there is an enactment in the State enabling any person to approach the constituted authority; which is the Bihar Public Land Encroachment Act, 1956.

2. The Government has filed a counter affidavit, wherein they have spoken of the specific plots on which encroachment is claimed. Alleged Plot No. 96 and 100 are raiyati lands which cannot be a subject matter of land encroachment case. Private individuals are in possession and ownership of the same, Plot No. 97 is Dev Asthal and Plot No. 99 is a pathway wherein there is no encroachment. Plot No. 98 and 102 stands recorded as Anabad Sarv Sadharan, whereas Plot No. 103 stands recorded in the name of Bihar Sarkar. However, Plot Nos. 98, 102 and 103 are covered by a decree of title passed by the Munsiff III, Gaya under Title Suit No. 48 of 1983. Based on this, DCLR Sadar Gaya has fixed the rent vide order dated 16.02.2006, in Rent Fixation Case No. 04 of 2005-06. Rent receipts are also produced.

3. Considering the averments in the counter affidavit,



we are of the opinion that absolutely no case is made out by the writ petitioner and in any event Public Interest Litigation cannot be entertained for encroachment of lands.

4. The writ petition stands dismissed, however, with the observation that we have not examined the title of the land, as spoken of in the counter affidavit. There is no approval of the decree passed by the Munsiff, in this proceeding. We have noticed the same only to find no grounds to entertain a Public Interest Litigation for the reliefs claimed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.01.2024
Transmission Date	

