

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15778 of 2023

Rabindra Kumar Singh @ Ravindra Kumar Singh Son of Shri Ram Charitra Prasad Singh, Resident of Mohalla- Shantar, Ward No. 13, Purani Bazar, Lakhisarai under Lakhisarai Municipality Area, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The District Magistrate, Lakhisarai.
4. The Superintendent of Police, Lakhisarai.
5. The Sub Divisional Officer, Lakhisarai.
6. The Circle Officer, Lakhisarai.
7. The Executive Officer, Lakhisarai Municipality, Lakhisarai.
8. Sidheshwar Singh, Son of Late Yugal Kishore Prasad Singh, Resident of Village- Jhinaura, P.S.- Lakhisarai, Presently Residing at Mohalla- Shantar, Ward No. 07, P.S.- Lakhisarai and District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate
For the Respondent/s : Mr. Upendra Prasad Singh, AC to SC-4

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-01-2024

The petitioner claims that he has been relentlessly pursuing action against the encroachment of a public road and that there is no personal interest in the matter.

2. The petitioner had approached this Court with **C.W.J.C. No. 817 of 1998**, which was disposed of by



Annexure-1 judgment directing the petitioner therein, who is the petitioner herein also to approach the authority under the provisions of the Bihar Public Land Encroachment Act, 1956 (for brevity, the Act).

3. Later yet another writ petition was filed as **C.W.J.C. No. 20403 of 2012** titled as **Rabindra Kumar Singh v. The State of Bihar & Ors.**, wherein it was claimed that the Sub-Divisional Officer, Lakhisarai has passed an order for removal of encroachment, which had to be executed. It was alleged that despite passage of three years, the encroachment was not removed. There was a direction to comply with the order in the aforesaid writ petition.

4. When the authority proceeded with the matter, the 5th respondent herein; who was the party respondent in the earlier writ petitions also filed **C.W.J.C. No. 191 of 2013** titled as **Sidheshwar Prasad v. The State of Bihar & Ors.**, the judgment in which is produced as Annexure-P/6.

5. The respondent, who was the petitioner therein was relegated to the appellate remedy. Yet another writ petition was filed as **C.W.J.C. No. 12639 of 2015** titled as **Rabindra Kumar Singh v. The State of Bihar & Ors.**, by the petitioner herein which was disposed of by Exurban-P/7. The



contention therein was that the appeal filed by the respondent based on the liberty reserved to him in Annexure-P/6 was not maintainable. The Division Bench which considered C.W.J.C. No. 12639 of 2015 refused to go into the question of maintainability of the appeal and directed early disposal of the same.

6. Then again a contempt case being **M.J.C. No. 584 of 2017** titled as **Rabindra Kumar Singh v. The State of Bihar & Ors.** was filed by the petitioner, which was also disposed of by Annexure-P/8. The contempt case was filed purportedly for non-compliance of the judgment at Annexure-P/7, which directed the early disposal of the appeal. It was noticed that the appeal was disposed of and the direction issued by the Court was complied with.

7. A counter affidavit has been filed by the State. admitting the various proceedings and also the factum of eviction having been ordered under the Act. It is stated that the Executive Officer and the Sub-Divisional Officer, Lakhisarai had on two different occasions carried out the measurement of the property by the *amin* and the *anchal amin* from which measurements it was reiterated that there was there was in fact an encroachment.



8. The appeal filed by the 8th respondent is said to have been dismissed for non-prosecution but later restored to the file of the Appellate Authority. It is also stated that on 06.05.2022, the deponent, who had signed the affidavit on behalf of the State had appeared before the Tribunal. It is also submitted that on 26.03.2022 from the order-sheet, it appears that the petitioner though did not appear on the said date had sent a reply through registered post. The petitioner hence was aware of the pending appeal and in that circumstances, the public interest litigation filed later to that date is misconceived.

9. We find absolutely no reason to invoke the extraordinary jurisdiction under Article 226 of the Constitution of India and dismiss the writ petition.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.01.2024.
Transmission Date	

