

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17949 of 2024

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Hamid Miya Son of- Mohammad Mojan Miya Resident of Village- Hardiya,
P.S Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate, Gopalganj.
2. The Additional Collector, Gopalganj.
3. The Circle Officer, Bhore, Gopalganj.
4. Panmati Devi Wife of- Yadunandan Chauhan Resident of Village- Hardiya,
P.S. Bhore, District- Gopalganj.
5. Shivnath Noniya Son of- Yadu Noniya Resident of Village- Hardiya, P.S.
Bhore, District- Gopalganj.
6. Shambhu Narayan Chouhan Son of Baleshwar Chauhan Resident of Village-
Hardiya, P.S. Bhore, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Jyotsna Rani Mishra, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-11-2024 The petitioner seeks to remove the encroachment from a pond. It is alleged that there is an illegal construction carried out in the pond which is in violation of the recommendation of the Circle Officer, Bohre in connection with Jamabandi Cancellation Record No. 03/2022-2023 made to the Additional Collector, Gopalganj.

2. Admittedly, the Additional Collector in Jamabandi Cancellation Case No. 336/2022-2023 held that Jamabandi No.



338, 339 and 253 are not illegal and hence there is no requirement to interfere with it. The petitioner seeks by way of this Public Interest Litigation to set aside the order passed by the Additional Collector which is stated to be in violation of the recommendation of the Circle Officer; which recommendation he seeks to revive.

3. Admittedly, there is a proceeding in the Jamabandi case by the Additional Collector, which; if at all, has to be challenged through the appropriate statutory remedy. There could be no Public Interest Litigation initiated on this ground.

4. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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