

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.246 of 2024

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Satyendra Prasad @ Satyendera Kumar, Son of Late Keshav Rai, Resident of
West Lohanipur, Near Kathpool, P.S.-Kadamkuan, District-Patna.
... .. Petitioner

Versus

1. The State of Bihar through the Chief Secreary, Government of Bihar at Patna.
2. The Additional Chief Secretary, Education Department, Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar.
4. The Commissioner, Patna Division, District-Patna.
5. The District Magistrate, Patna.
6. The Additional District Magistrate, Patna.
7. The Additional District Magistrate (Revenue), Patna.
8. The Deputy Collector Land Reforms, Patna Sadar,
9. The Circle Officer, Patna Sadar.
10. Parmanand Singh, Son of Late Bindeshwar Singh, Resident of West Lohanipur, Near Kathpool, P.S.-Kadamkuan, District-Patna.
11. Rakesh Singh S/o-Late Aaditya Narayan Singh, Resident of West Lohanipur, Near Kathpool, P.S.-Kadamkuan, District-Patna.
12. Ashok Kumar Singh, Son of Late Singeshwar Singh, Resident of West Lohanipur, Near Kathpool, P.S.-Kadamkuan, District-Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 03-05-2024

The present writ petition by way of a “Public Interest



Litigation” (PIL) has been filed, seeking a direction upon the respondent-authorities for removal of encroachment over the land bearing Khesra No. 112, Khata No. 61, Tauzi No. 156, Thana No. 06, Area 16 decimal, situated in Lohanipur, Patna.

2. It is contended by the petitioner that the land in question has been encroached upon by respondents no. 10, 11 and 12 by creating *Jamabandi* in their favour in connivance with the respondent-authorities. The petitioner also submitted that respondents no. 10, 11 and 12 do not belong to the family of the *Malik* (owner) as per the genealogy but by meddling with the record, they entered their names in the record of *Anchal*. Thus, the prayer has also been made to cancel the *Jamabandi* created by the respondent-authorities in favour of the private respondents and to allot the land for establishment of opening schools in the interest of the marginalized children.

3. We have gone through the averments made in the writ petition and found that serious allegations have been levelled against the private respondents no. 10, 11 and 12 that they got their names entered in the Right of Records deceptively and created *Jamabandi* for land after which rent receipts are being granted by the office of the Circle Officer. It is also averred that the ownership of the private respondents is itself



under a cloud and there is a Title Suit pending before the Sub Judge-I, Patna. The representations filed on behalf of the petitioner have also been placed on record showing his concern for removal of the encroachment.

4. *Prima facie*, having gone through the averments, this Court is of the opinion that by no stretch of imagination, the present writ petition can be said to be a *bona fide* litigation.

5. The attack in the present writ petition in the guise of Public Interest Litigation is intended to unleash a private vendetta, personal grouse or some other *mala fide* object; if the object and target of a particular person is as such, the same cannot be termed as “Public Interest Litigation”. Moreover, the petitioner has an efficacious, expedient and alternative remedy under the Bihar Public Land Encroachment Act, 1956 (for short “the Act, 1956”). If the petitioner has *bona fide* grievance, he ought to seek remedy under the Act of 1956 or to approach the Civil Court of competent jurisdiction, if so desired.

6. In view of the averments made and the relief as sought for in the writ petition, there cannot be maintained a Public Interest Litigation nor this Court can invoke prerogative writ jurisdiction of this Court under Article 226 of the Constitution of India.



7. Accordingly, the writ petition stands dismissed with
the liberty aforesaid; without any observation on merits.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06-05-2024
Transmission Date	

