

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11615 of 2025

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Ajay Kumar Singh S/o- Hira Singh, R/o- Mahua, Kashmir Tola, Ward No.-
11, Arraha, P.S.- Ghailadh, Distt.- Madhepura, Bihar- 852121.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. The Divisional Commissioner, Koshi Division, Saharsa, Bihar.
4. The District Magistrate, Madhepura.
5. The District Panchayati Raj Officer, Madhepura.
6. The Circle Officer, Ghailadh, Madhepura.
7. The Executive Engineer, LAEO, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hrishikesh, Advocate
For the Respondent/s : Mr. Nadim Seraj, GP-5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

5 03-12-2025 The writ application has been filed for the following
reliefs:

*“i. For issuance of an appropriate writ
or order or direction, commanding upon the
concerned respondents to remove the illegal
encroachment upon the public pond (Dabra) known
as Angrezia Pokhar, appertaining to Khata No.
1892, Khesera No. 3331, measuring area- 1 Acre
and 10 decimal, situated in Mauja Bhaan Tekadhi,
Village- Mahua, Ward No. 11, Gram Panchayat-
Arraha-Mahua-Dighra, Anchal- Ghailadh,*



District- Madhepura and further to make proper development of the said pond (Dabra) in the interest of the residents of the locality.

ii. Any other relief or reliefs for which the petitioner (residents of the locality) may be found entitled in the facts and circumstances of the case.”

2. In response to the reliefs sought, a counter affidavit has been filed on behalf of respondent Nos. 4, 5 and 6, the relevant paragraphs of which are extracted hereinbelow:

“6. That it is humbly submitted that apart from the details of the land the entire assertions made by the petitioner regarding the so called Dabra being used by the villagers for irrigation, bathing of cattle, domestic use etc is completely false and incorrect.

7. That it is further submitted that the said land has never been used by the villagers as a water source and the same is merely low-lying land where seasonal rain-water gets collected. Moreover, the same has never been constructed by the villagers as a Pond.

8. That furthermore, the said land has been shown as ‘Anabadbiharsarkar’ in the Official Revenue Records (Khatiyani) and kism as “DABRA” the said land is Low land.

9. That it is humbly submitted that the land in Question which has been mentioned in the Revenue Record as ‘Dabra’ just a low land. If it would have been really a Pond the same shall be



mentioned as 'Anabad Sarv sadharan' in the official Revenue Records. In order to prove that the land in question is not a 'Pond' the photograph of the said land taken at the time of proposal being made for the Panchayat Bhawan is also provided with this reply.

10. That it is humbly submitted that Circle Office, Ghailadh acted in accordance with the directions issued by the assistant Director Land Acquisition cum Joint Secretary, Govt of Bihar vide Letter No. 547 dated-12-04-2024, directing all the collectors of the state to not consider any low land which might get filled with rainwater during the season as water source.

11. That it is important to mention that the Circle Office after complying with the due process, rules and executive directions, identified the said land as appropriate and highly suitable for the construction of Panchayat Sarkar Bhawan."

3. Upon perusal of statements made in counter affidavit, it is evident that the land is merely low-lying 'Anabadbiharsarkar' land and that due process was followed in selecting it for the construction of Panchayat Sarkar Bhawan.

4. So far as the petitioner is concerned, paragraph No. 3 of the writ application contains the following statement:

"That the present petition is being filed in the representative capacity on behalf of the



residents of Mahua, Kashmir Tola, Ward No.-11, Arraha, Madhepura, Bihar in order to protect the only natural water resource of the area in the form of dabra/pond and the petitioner has no direct or indirect personal interest in the matter.”

5. A perusal of petitioner's statement shows that he merely claims to be acting in a representative capacity on behalf of residents, without disclosing his own credential, interest or any qualification relevant for this PIL. This omission is in clear contravention of Rules of the High Court at Patna, 1916, for filing PIL matters.

6. The parameters laid down in Chapter XXI-CC of the Rules of the High Court at Patna, 1916, for filing PIL matters, are as follows:-

“6. To facilitate the aforesaid purpose, a petitioner in a PIL shall state in clear terms the relief prayed for in paragraph-1 of the petition and the grounds in paragraph-2. In paragraph-3, he must give full and complete details of himself to reveal his interest, credentials and qualification relevant for the PIL, along with a declaration that he has no personal interest, direct or indirect, in the subject matter of the PIL. In addition, ordinarily, the petitioner is required to set out all relevant facts with supporting data, reports, etc.

7. After arriving at a prima facie



satisfaction regarding the credentials of the petitioner and the correctness of the contents of the petition, if the Court finds that the petition was filed by busybodies for extraneous or ulterior motives, the Bench may impose exemplary costs.”

7. Considering the contents of the counter affidavit and the statement made in paragraph No. 3 of the writ application, we find that the present petition does not meet the requirements for being entertained as a Public Interest Litigation.

8. The writ application is, accordingly, dismissed.

9. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, ACJ)

(Alok Kumar Pandey, J)

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