

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19608 of 2024

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1. Satish Kumar Singh Son of Sri Jhulan Prasad Singh R/o- House No.- 238B, Asha Kunj, Road No.- 1K, Near Asha Singh More, A.P. Colony, Gaya- 823001.
 2. Vivek Kumar, Son of Lalan Prasad Singh Resident of H.No.- 330, Near Asha Singh More, A.P. Colony, Gaya- 823001.
 3. Surendra Yadav, Son of Sri Ram Baran Yadav R/o- H. No.- 383A, Asha Singh More, Anugrah Puri Colony, P.O. and P.S.- Rampur, Gaya- 823001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Nagar Vikas and Awas Vibhag, Government of Bihar, Patna.
2. The Chairman, Gaya Regional Development Authority, Gaya.
3. The Divisional Commissioner-cum- First Appellate Authority, District Public Grievance Redressal Officer, Magadh Division, Gaya.
4. The Municipal Commissioner, Gaya Nagar Nigam, Gaya.
5. The District Magistrate, Gaya.
6. The Executive Officer, Gaya Nagar Nigam, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nishant Kumar Sinha, Advocate Mr. Arvind Kumar, Advocate Mr. Abhijeet Srivastava, Advocate Mr. Waliur Rahman, Advocate
For the Respondent/s	:	Mr. Vikas Kumar, AC to AG Mr. Rabindra Kumar Priyadarshi, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-01-2025

The petitioners seek removal of an encroachment in the middle of a road in GRDA Plot Nos. 380 to 385 to ensure that the people of the locality can use the approach road.

2. It has been specifically averred that the petitioners along with others are residents of one Anugrah Puri Colony, who need access and free ingress and egress through the road.

3. Obviously, the said averment indicates that the above writ petition is a Private Interest Litigation and not one motivated on public interest.

4. The petitioner has an alternate remedy to proceed under the Bihar Public Land Encroachment Act, 1956. There cannot be maintained a Public Interest Litigation on the subject matter nor is the invocation of the extraordinary power possible; when there is such an alternate efficacious remedy available.

5. We also see that the encroachers have not been named or impleaded in the writ petition.

6. Present petition stands dismissed with the liberty aforesaid; without any observation on merits, or even the *locus standi* of the petitioners, which has to be decided by the Appropriate Authority under the Act of 1956; if a proper



application is moved with the necessary parties arrayed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	10.01.2025
Transmission Date	

