

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3604 of 2026

1. Devendra Kumar Son of Late Ram Prasad, Resident of LIG, H Flat No. 43, Kankarbagh Colony, Kankarbagh Auto Stand, P.S. Kankarbagh, District- Patna.
2. Ravindra Kumar, Son of Jagdish Narayan, Resident of LIG H-40, P.O. Lohia Nagar, P.S. Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Government of Bihar, Patna.
2. The Collector, Patna.
3. The Managing Director, Bihar State Housing Board Bihar Patna, Mangals Road near Old Secretariat Patna.
4. The Executive Engineer, Bihar State Housing Board Bihar, Patna.
5. The Assistant Engineering Housing Board, Mangals Road Near Old Secretariat, Patna.
6. The Manager Estate, Bihar State Housing Board, Patna.
7. Sri Ram Chandra Prasad Singh, Son of Late Maha Prasad Singh, Resident of Flat No. 406, Vijay Aman Apartment Kankarbagh Main Road, P.S. Kankarbagh, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Debesh Kumar Poddar, Advocate
For the Respondent/s	:	Mr. Standing Counsel-28
For the Housing Board	:	Dr. Anand Kumar, Advocate
		Mr. Vijeta Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-03-2026 Heard the learned Advocate for the petitioner and the

learned Advocate for the State.

2. The instant public interest litigation has been filed

for the following reliefs:-

“i. To issue an appropriate writ / order /



direction to the respondent concerned for obeying the order and direction of this Hon'ble Court.

ii. For quashing of order dated 09.04.2025 issued by Executive Engineer, Housing Board, whereby physical possession of LIG Park Land from Eastern side has been handed over to Respondent No. 7, whose allotment of Plot made by the Housing Board vide allotment No. 7961 dated 30.10.1981 had already been cancelled by the State Government vide Gazette Notification No. 1320 dated 04.08.1993 issued by Additional Secretary, Government of Bihar, Patna and that order has never been challenged by Respondent No. 7 before the Hon'ble High Court, Patna and the aforesaid cancellation order stands as legal and valid till date and as such the physical possession of the Park Land given to Respondent No. 7 is illegal arbitrary, malafide and against all norms of law and against the principles of natural justice.

iii. To hold by this Hon'ble Court that the order contained in Gazette Notification No. 1320 dated 04.09.1993 issued by Additional Secretary, Government of Bihar duly signed by the Hon'ble Governor of Bihar has not been challenged by Respondent No. 7 before the Hon'ble High Court, hence the said cancellation order stands legal and valid till date.

iv. For holding by this Hon'ble Court that the order dated 05.10.1988 passed by this Hon'ble Court filed by the Respondent No. 7 in CWJC No. 2800/1988 has no concern with the allotment No. 7961



dated 30.10.1981 and the Hon'ble High Court has not passed any order regarding Allotment No. 7961 dated 30.10.1981 which has been cancelled vide Gazette Notification No. 1320 dated 04.08.1993.

v. To hold by this Hon'ble Court that handing over physical possession of the park land to Respondent No. 7 is unauthorized, illegal, arbitrary and mala fide and the Executive Engineer, Housing Board has no legal right to by-pass the order of cancellation of the State Government contained in Gazette Notification No. 1320 dated 04.08.1993.

vi. To hold by this Hon'ble Court that as per list of parks issued by the Bihar State Housing Board wherein, the name of LIG Park, Lohiya Nagar under Ward No. 34 of Patna Municipal Corporation near Patna, Kankarbagh Tempo Stand is already established and the area shown by the Housing Board is 560 feet long from East to West and 42 feet wide from North to South, may be freed from the portion which has been under unauthorized occupation of Respondent No. 7 since 09.04.2025.

vii. To hold by this Hon'ble Court that the park land cannot be allotted to any private individual depriving the fundamental right of the citizen of the locality who had been enjoying the benefit of park known as LIG Park since 1960-61 till date.

viii. To holding by this Hon'ble Court that the demolition of the boundary wall, grills, iron gates by the Housing Board through the Executive and Assistant Engineer with the illegal help of Police



Force is illegal, arbitrary and malafide.

ix. For direction by this Hon'ble Court to the Chief Secretary, Government of Bihar to take legal action against the malafide act and arbitrary and unauthorized order dated 09.04.2025 issued by the authorities Bihar State Housing Board, Patna.

x. For grant any other relief/reliefs for which the petitioners are entitled to.”

3. Considering the nature of the relief sought for in the present writ petition, this Court does not find any element of public interest, rather *prima facie* it appears to be a private litigation, moreover, petitioner has appropriate remedy available under the law.

4. The Hon'ble Apex Court has an umpteen number of times cautioned that care has to be taken to see that a PIL essentially remains one filed in public interest and is not allowed to degenerate into becoming political interest litigation or private inquisitiveness litigation. In Public Interest Litigation, misuse comes in various forms; publicity, private interest, political rivalry or other oblique reasons can be a motive for its misuse.

5. In view of the aforesaid facts, this Court does not find any reason or occasion to entertain the Public Interest



Litigation, accordingly the same stands dismissed; however the petitioner shall be at liberty to avail the remedy available under the law.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

supratim/-

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