

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5733 of 2014

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1. Smt. Dazy Devi, Wife of Sri Vijay Kumar Jha
 2. Smt. Meena Devi, Wife of Sri Umesh Prasad
 3. Smt. Sunita Kumari, Wife of Sri Subhash Chandra Gupta
 4. Smt. Sangeeta Devi, Wife of Sri Shailendra Kumar
 5. Sri Surendra Kumar Singh, Son of Sri Deep Narayan Singh, All Resident of Mohalla- Sai Takiya (Near IHD Colony), P.S.- Alamganj, District- Patna

.... Petitioners

Versus

1. The State of Bihar through its Principal Secretary
2. The District Land Acquisition Officer, Patna
3. The Deputy Collector, Patna
4. The Sub-Divisional Magistrate, Patna City, District- Patna
5. The Circle Officer, Patna Sadar

.... Respondents

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Appearance :

For the Petitioners : Shri Ram Suresh Roy (Sr. Adv.)
Sri Karandeep Kumar, Adv.

For the Respondents : Shri Uma Shankar, GP 4
Shri Anjani Parashar, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-01-2015

This writ petition is filed challenging the order dated 15.10.2013, passed by the Deputy Collector, Patna. The order, in turn, was passed in the light of the directions issued by this Court for removing the encroachments from the Nalanda Medical College & Hospital. The 3rd respondent

verified the record and found that the petitioners have no right or title over the land.

Heard Shri Ram Suresh Roy, learned Sr. Advocate for the petitioners, and Shri Uma Shankar, learned G.P.4 for the respondents.

Quite large extent of land was acquired for Nalanda Medical College & Hospital in the year 1958-1959. Over the period, encroachments have taken place. C.W.J.C. No.6684/10 was filed, in public interest, stating that the State is indifferent about the encroachments and on account of the same, atmosphere in the hospital is completely spoiled. This Court passed orders from time to time ever since the houses were constructed by the petitioners herein as encroachments. When the petitioners claimed their title, the 3rd respondent has undertaken verification of the record and expressed the view that the petitioners do not the title.

We find it difficult to admit the writ petition. The reason is that disputed questions of fact exist regarding the right and title to the land in question. A civil suit is the proper remedy. If the petitioners are so advised, they have to work out their remedies by filing a civil suit before a Civil Court.

Hence, the writ petition is dismissed. However, it is left open to the petitioner to work out the remedies in the Civil Court.

Since the structures were existing for quite some time, we stay the demolition for a period of four weeks.

(L. Narasimha Reddy,CJ)

(Gopal Prasad, J)

K.C.jha/-

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