

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3092 of 2014

In

Civil Writ Jurisdiction Case No. 1134 of 2014

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1. Thakur Ashok Kumar Sinha, son of Late Thakur Kameshwar Prasad Sinha, resident at Road No. 3-B, Near Pump House, Lal Babu Market, P.S.- Shastrinagar, District - Patna.
 2. Awadhesh Kumart Tiwari, son of Late Raj Narayan Tiwari. resident at Road No. 3-B, Near Pump House, Lal Babu Market, P.S.- Shastrinagar, District - Patna.
 3. Nitesh Kumar @ Nitesh Kumar Sinha, son of Late Nawal Kishore Prasad, resident at Road No. 3-A, Near Pump House, Lal Babu Market, P.S.- Shastrinagar, District - Patna.

.... Petitioners

Versus

1. The State of Bihar.
2. District Magistrate Patna namely Sri Manish Kumar Verma.
3. Additional District Magistrate (Law and Order) Patna Sadar, Patna namely Sri S. Bharti.
4. Sub-Inspector of Police, Shastrinagar police station, Patna namely Sri Ramesh Singh.
5. Municipal Commissioner, Patna Municipal Corporation, Patna namely Sri Kuldip Narayan.
6. Executive Engineer, Patna Municipal Corporation Patna namely Sri Vishal Anand.

.... Opp. Parties

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Advocate
For the State : Mr. Pawan Kumar, AC to GA 9
For P.M.C. : Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

9 10-04-2015 Heard learned counsel for the petitioners and learned
counsels for the State and for the Patna Municipal Corporation.

The direction of this Court was to remove the
encroachments from the main road near the Lal Babu Market,



Road No.3 in front of Asha Suman Apartment under Shastrinagar Police Station and recurrence of encroachment shall make the Officer-in-Charge and the Executive Officer answerable in contempt jointly and individually.

In the supplementary show cause filed on behalf of opposite party Nos. 2 and 3 it is stated that the encroachments could only be partly removed earlier on account of failure to clearly understand the road from which the encroachment was to be removed but subsequently upon the matter being pointed out by the petitioner, the opposite parties on 24.3.2015 visited the site in a team headed by Additional District Magistrate, Patna and the encroachments were removed in presence of petitioner No.1 and other local people.

In the reply to the supplementary show cause it is admitted that the encroachment has now been removed but a complaint is made that debris is still there, which is causing serious inconvenience to the local people.

In that view of the matter, we are of the opinion that no occasion for proceeding with the contempt application arises at present. However, the opposite parties must remember that there ought not to be any recurrence of the encroachment as directed by the order under contempt itself and they are also required to ensure

that the debris is removed forthwith as substantial time has passed since the operation for removal of encroachment has taken place.

The contempt application is, accordingly, disposed of.

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

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