

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13791 of 2013

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Dr. Umesh Pd. Gupta, Son of Late Deo Nath Gupta, Secretary, National Institute of Health and Education and Research, Situated at Resident of Mohalla - Raj Pautana Gali Maharaj, P.S. - I.D.H. Colony, District - Patna

.... Petitioner

Versus

1. The State Of Bihar
2. The Land Acquisition Officer, Patna, Bihar
3. The District Dy. Registrar, Patna
4. The Circle Officer, Patna Sadar
5. The Circle Inspector Patna Sadar, Patna

.... Respondents

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Appearance :

For the Petitioner : Shri Uma Shankar, Adv.

For the Respondents : Shri Ajay Bihari Sinha, 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 13.5.2013, passed by the Circle Officer, 4th respondent herein. 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 4th respondent verified the record and found that the petitioners have no right or title over the land.

Heard Shri Uma Shankar, learned counsel for the petitioner, and Shri Ajay Bihari Sinha, learned counsel 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 towards 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 constructed by the petitioners herein as encroachments. When the petitioners claimed their title, the 4th 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; that too regarding right and title in respect of immovable property. In our view, 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.

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 thereof for a period of four weeks.

(L. Narasimha Reddy,CJ)

(Gopal Prasad, J)

K.C.jha/-

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