

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15262 of 2013

=====

Sheo Ratna Prasad Sinha, son of late Ramdhyan Singh, resident of Mohalla- Adarsh Colony, NMCH Road, Agam Kuan, Guljarbagh, P.S.- Alamganj, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna
2. The District Magistrate, Patna
3. The Additional Collector, Patna
4. The Senior Superintendent of Police, Patna
5. The District Land Acquisition Officer, Patna
6. The Sub-Divisional Officer, Patna Sadar, Patna
7. The Circle Officer, Patna Sadar, Patna
8. The Superintendent, Nalanda Medical College and Hospital, Agam Kuan, Patna
9. The Officer In-Charge, Agram Kuan Police Station, Patna
10. The Revenue Karmchari, Patna Sadar, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Satyavrat Verma, Advocate

For the Respondent/s : Mr. Parth Sharthi, S.C.-10

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-02-2015

This writ petition is filed challenging the order dated 11.5.2013, passed by the Circle Officer, 7th 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 7th respondent verified the record and found that the petitioner has no right or title over the land.

Heard Shri Satyavarat Verma, learned counsel for the petitioner, and Shri Parth Sarthy, learned S.C.-10 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 of 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 petitioner claimed his title, the 7th respondent has undertaken verification of the record and expressed the view that the petitioner does not have 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 petitioner is so advised, he has to work out his 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)

(Vikash Jain, J)

Sunil/-

U			
---	--	--	--