

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11925 of 2015

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Umesh Kishore Sharan son of Late S.D. Narayan, resident of Mohalla-
Ashok Nagar Road No. 3, Kankarbagh, P.S. - Kankarbagh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Nagar Nigam, Patna through its Chairman / Commissioners, Patna.
3. The Commissioners, Nagar Nigam, Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police Patna.
6. The Executive Engineer Division-F, Municipal Corporation, Kankarbagh, Patna.
7. The Vigilance Officer, Patna Municipal Corporation, Patna.
8. Saryug Paswan, son of Late Mahabir Paswan, Shivaji Nagar Road No. 4, East Indira Nagar New Bye Pass Road, Kankarbagh, Patna - 800 020.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.3452 of 2015

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Neera Davi wife of Anup Kumar, East Kankerbagh, P.S. Kankerbagh,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Nagar Nigam, Patna through its Chairman/ Commissioners, Patna.
3. The Commissioner, Nagar Nigam Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police Patna.
6. The Executive Engineer Division-F, Municipal Corporation, Kankerbagh, Patna.
7. Saryug Paswan, son of Late Mahabir Paswan, Shivaji Nagar Road No. 4 East Indira Nagar New Bye Pass Road, Kankerbagh, Patna- 800 020.
8. The Vigilance Officer, Patna Municipal Corporation, Patna.

.... Respondent/s

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Appearance:

(In CWJC No.11925 of 2015)

For the Petitioner/s : Mr. Anil Kr Singh No. 6, Advocate

For the Respondent/s : Mr. Satyadeo Kumar, SC-5

(In CWJC No.3452 of 2015)

For the Petitioner/s : Mr. Anil Kr Singh No. 6, Advocate

For the Respondent/s : Mr. Sandeep Kumar (GA-8)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 10-08-2015

Heard Mr. Anil Kumar Singh No. 6 for the petitioners and Mr. Sanjay Prakash Verma for the Patna Municipal Corporation.

The complaint of the petitioners is that the private respondent apart from construction of his building in deviation of the municipal laws has also encroached on public road by construction of a Khatal. With reference to an order passed by a Division Bench of this Court in CWJC No. 23047 of 2013 filed by one Neera Devi, it is stated that a complaint was made before this Court as regarding the encroachment by the private respondent and which was disposed of with liberty to the writ petitioner to draw the attention of the Commissioner vide order passed on 21.11.2013. It is stated that thereafter a detailed representation was filed by the residents of the area complaining of encroachment on the public road by the private respondent by constructing a Khatal which representation was filed as back as on 09.12.2013. He submits that thereafter the matter has remained pending without any disposal forcing Neera Devi to come before this Court in M.J.C. 907 of 2014 in CWJC No. 23047 of 2013 and which was disposed of with direction to the Municipal Commissioner to consider the grievance and dispose of the matter



in accordance with law which direction again has not been complied with and that the Khatal continues to remain on Shivaji Nagar Road No. 4, East Indira Nagar at Kankarbagh in the town and district of Patna.

Mr. Anil Kumar Singh, learned counsel appearing for the petitioner has submitted that the passage of the petitioner is completely blocked and he is facing difficulty even in ingress and egress from his house by reason of the Khatal.

Mr. Sanjay Prakash Verma, learned counsel has appeared for the Corporation to submit that a specific order has been passed in a Public Interest Litigation arising from CWJC No. 11803 of 2013 and analogous cases whereunder the Division Bench of this court has issued certain direction to the owner of the Khatal as well as the Commissioner, Municipal Corporation to ensure that Public Road are made free from any encroachment and any violation of the order would be considered as contempt. He submits that the issue raised by the petitioners would be considered by the Municipal Commissioner in the backdrop of the Division Bench Order and would be disposed of in accordance with law.

Having heard learned counsel for the parties and taking note of the nature of grievance raised as well as in view of the

specific direction by the Division Bench in the Public Interest Litigation arising from CWJC No. 11803 of 2013, this writ petition is disposed of with a direction to the Municipal Commissioner, Patna Municipal Corporation to consider the grievance raised by the petitioner and the other residents of the locality vide representation dated 09.12.2013, a copy of which is placed at Annexure-7 to the writ petition and dispose of the same in accordance with law with opportunity of hearing to the petitioner as well as the alleged encroacher who has been arraigned as respondent no. 8 in the present proceedings.

Considering the urgency of the matter where it is stated that the very movement of the petitioner has been completely blocked by construction of the Khatal and that the attention of the Municipal Commissioner was drawn as back as in the year 2013 vide representation placed at Annexure-7, the Municipal Commissioner would be well advised to dispose of the matter within a period of three months from the date of receipt / production of a copy of this order.

(Jyoti Saran, J)

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