

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20225 of 2014

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Prem Chand Tiwary S/o Late Bhagwat Tiwary, resident of 28, HIG,
Bahadurpur Housing Colony, MG Nagar, Patna- 26

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Govt. of Bihar, Patna
2. The Principal Secretary, Urban Development Department, Govt. of Bihar, Patna
3. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna
4. The Municipal Commissioner, Patna Municipal Corporation, Patna
5. The District Magistrate, Patna
6. The Senior Superintendent of Police, Patna
7. The Station Incharge, Shastri Nagar Police Station, Patna

.... Respondents

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Appearance :

For the Petitioner : None

For the Respondent Nos. 1-3 to 5-7: Mr. Siddhartha Prasad, A.C. to AAG-4

For the Respondent No.4 : Mr. Sanjay Prakash Verma, Advocate

For the Interveners : Mr. Bindhyachal Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

6 02-12-2015

None has appeared on behalf of the petitioner.

We have heard Mr. Siddhartha Prasad, learned Assistant Counsel to Additional Advocate General No.4, appearing for respondent Nos. 1 to 3 and 5 to 7, and Mr. Sanjay Prakash Verma, learned Counsel, appearing for respondent No.4. We have also heard Mr. Bindhyachal Singh, learned Counsel, appearing for the interveners.

Perused the affidavit, which has been filed by the

Patna Municipal Corporation, showing that the encroachment, in question, has been removed.

Perused also I.A. No. 8236 of 2015, which has been filed by those, who claim to be the vegetable vendors and had been selling vegetables on the road, in question, by making encroachment thereon before they were removed pursuant to the direction issued by this Court.

Having regard to the fact that pursuant to the directions given by this Court, the encroachments have been removed, Mr. Bindhyachal Singh, learned Counsel, submits that the interveners will file an application, under Article 226 of the Constitution of India, seeking appropriate directions to the Patna Municipal Corporation for providing the interveners with adequate space for carrying out their business in accordance with law and the interveners may be allowed to withdraw this interlocutory application.

In view of the above and in the interest of justice, I.A. No. 8236 of 2015 is allowed to be withdrawn with liberty granted to the interveners to approach this Court with appropriate application, in future, if so advised, and also to take recourse to such provisions of law as may be permissible. Situated thus, this Public Interest Litigation is closed with liberty given to the

petitioner to approach this Court, if such a situation, in future, arises.

The respondents, particularly, the Patna Municipal Corporation and the State authorities are hereby directed to ensure that no recurrence of encroachment on the road, in question, takes place, at any point of time, in future.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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