

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18841 of 2012

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Senior Citizen Forum, Rajeev Nagar, Patna through its Vice-President Manoranjan Prasad Singh, son of Late Jagdish Narayan Singh, resident of Road No. 14, Rajeev Nagar, P.S.- Rajeev Nagar, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna
4. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna
5. The Commissioner, Patna Division, Patna
6. The District Magistrate, Patna
7. The Deputy Development Commissioner, Patna
8. The Executive Engineer, Local Area Engineering Organisation, Works Division-1, Patna
9. The Executive Engineer, Local Area Engineering Organisation, Works Division-2, Danapur
10. The Executive Engineer, District Urban Development Agency, Patna-1
11. The Executive Engineer, District Urban Development Agency, Patna-2
12. The Executive Engineer, Rural Works Department, Patna
13. The Executive Engineer, Rural Works Department, Danapur
14. The Managing Director, Bihar State Housing Board, Patna
15. The Secretary, Bihar State Housing Board, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Bindhyachal Singh,
Mr. Sushil Kumar Singh, Advocates

For the Respondents: Mr. Jawahar Pd. Karn AAG4,
Mr. Siddharath Prasad, AC to AAG 4

For the Housing Board: Mr. Anil Kumar Sinha, Advocate
Mr. Ram Kishore Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 18-02-2015

This writ petition is filed by way of public interest litigation with a prayer to direct the respondent nos. 14 and 15, Bihar State Housing Board not to interfere with the development works

being conducted by various agencies with public money in Digha Rajeev Nagar area of Patna District.

2. The petitioner contends that about one thousand acres of land was acquired by the Bihar State Housing Board in the year 1974 but the acquisition was incomplete. It is stated that since the Housing Board did not pursue the matter for decades together, the owners of the land that was notified for acquisition, have alienated the same in favour of third parties and over the period, the houses and other establishments were also constructed. It is further pleaded that though the Hon'ble Supreme Court, at one stage upheld the acquisition; the Housing Board did not implement the steps indicated by the Supreme Court. The petitioner further contends that the State of Bihar enacted Digha Acquired Land Settlement Act, 2010 providing for regularization of structures so made and when the steps were being taken for providing facilities such as road and water sewerage, the Housing Board is obstructing the works.

3. On behalf of the State Government, a detailed counter affidavit is filed opposing the writ petition.

4. Heard Mr. Bindhyachal Singh, learned counsel for the petitioner and Mr. Siddharath Prasad, learned Assistant Counsel to Additional Advocate General No.4 for the State.

5. This is not a simple case of the petitioners

approaching this Court to compel the respondents to provide amenities. Even according to the petitioner, land was acquired by the Housing Board and on account of delay in finalization thereof, the owners of the land have sold the same in favour of third parties. Whatever be the claims and counter claims made by the parties as regards legality of acquisition, the fact remains that the Hon'ble Supreme Court upheld the same by stipulating certain conditions. Assuming that the Housing Board did not comply with the conditions, cause of action of the petitioner is substantially different. This Court cannot go beyond the order passed by the Supreme Court.

6. We, therefore, dispose of the writ petition leaving it open to the respective owners of the individual properties to approach the proper forum, in accordance with law. There shall be no order as to costs.

7. The interlocutory application, if any, shall stand disposed of.

(L. Narasimha Reddy, CJ)

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(Vikash Jain, J)