

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1391 of 2013

In

Civil Writ Jurisdiction Case No. 13531 of 2010

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Bidyotama Devi W/O Late Shambu Nath Sharma Resident Of In Front Of
Lig Plot No. 28, Now In Front Of M.I.G. Plot No. S/378, P.O. Lohia Nagar,
P.S. Kankerbagh, District - Patna

.... Petitioner/s

Versus

1. The Bihar State Housing Board Through Its Managing Director, Shri Anupam Kr. Suman, 6 Mangles Road, Patna null null
2. Shri Anupam Kr. Suman, the Managing Director, Bihar State Housing Board, 6 Mangles Road, Patna null null
3. Sushil Kr. Pandey, the Manager Estate, Bihar State Housing, 6 Mangles Road, Patna null null
4. Shashi Shekhar Shalmi, the State Of Bihar Through The Secretary, Department Of Urban Development And Housing, Government Of Bihar, Patna null null
5. Sri Adesh Titarmare, the Patna Municipal Corporation Through The Municipal Commissioner, Bihar, Patna (The Successor Organization Of Patna Regional Development Authority) null null
6. Sri Sanjay Agrawal, District Magistrate, Patna
7. Vijay Kumar Singh S/o Dinanath Singh At Lohani Pur West (Near Budh Murti), P.S.- Kadam Kuan, Patna
8. Dr. Rana Prasad S/o Late Laljee Prasad, infront of LIG 19 Lohiyanagar, P.S. Kankarbagh, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA

PRATAP SINGH

ORAL ORDER

22 18-05-2016

The petitioner filed the writ application for directing the

respondent authorities to grant her a passage through Plot No. 378

and 377 of the Kankarbagh Housing Colony of respondent-Board.

The petitioner further sought cancellation of allotment of ten feet

strip of land to the allottee of plot no. 378. In course of hearing,

counter affidavit has been filed on behalf of Housing Board as well as the Secretary, Urban Development and Housing Department.

On consideration of the matter, the writ application was disposed of in the following term:-

“Having regard to the facts and circumstances of the case, I direct the Corporation and the Board to ensure compliance of order of the Secretary, Urban Development and Housing Department forthwith. The removal of encroachment by parties would help in sorting out ingress and egress to petitioner’s residential plot. This Court further observes that the parties are restrained from making construction on encroached portion only. The parties can make constructions on the land allotted to them and map plan duly sanctioned by Municipal Corporation.”

The petitioner thereafter has come with this contempt application for initiating contempt proceeding against the opposite parties for their willful disobedience of the order, dated 25.07.2012, passed by this Court in C.W.J.C. No. 13531 of 2010, whereby the Corporation and the Board were directed to ensure compliance of order of the Secretary, Urban Development and

Housing Department.

More than one affidavit has been filed on behalf of the Housing Board. Mr. Anshuman Singh, learned counsel appearing for the Board, submits that the Board has fully complied with the order of this Court and there was some delay for want of corresponding co-operation from the Corporation and the District Administration. He submits that the problem is arising as people are repeatedly making encroachment, though the Board has removed it. The Board, as such, is facing perpetual hurdles and has also lodged FIR.

In course of hearing, I.A. applications have been filed by quite a number of persons, seemingly the holders of the adjacent plots. They submit that in the garb of removing encroachment, the Officers of the respondents, in fact, have damaged the structures standing on their plots, even without notice or measurement in their presence.

Mr. Anshuman Singh, learned counsel denies the allegation and submits that sufficient notice has been given to all concerned vide wide publication. He next submits that quite a number of them have already taken resort to the remedy available under the law, including filing of writ applications in this Court.

At this juncture, I would only like to observe that the

respondents would ensure compliance of the order passed by this Court in writ application. At the same time, if any of the persons believe that the actions have been taken contrary to the order of this Court or in deviation of the order of this Court, it would be open for them to avail the remedy under the law for redressal of their grievance. This Court has not expressed any opinion on the merits of the claims of the parties.

Learned counsel appearing for the intervener, Vijay Kumar Singh, in I.A. No. 260 of 2016, submits that no notice was given to him before demolishing the structure on his plot. I have already observed that in case anyone is aggrieved, he can take resort to the remedy available under the law, inclusive of compensation, if applicable.

With the aforesaid observation, the contempt application is disposed of.

(Samarendra Pratap Singh, J)

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