

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14892 of 2012

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1. Arbind Kumar
2. Sanjay Kumar
Both Sons of Sri Raj Kumar Sharma
Residents of Mohalla Rampur, P.O. Mahendru, P.S. Bahadurpur, District Patna.

.... Petitioners

Versus

1. The State Of Bihar.
2. The Collector, Patna.
3. The Sub Divisional Officer, Patna City, Patna.
4. The Circle Officer, Patna Sadar, Patna.
5. The Patna Municipal Corporation, Maurya Lok, Patna Through the Municipal Commissioner P.M.C., Patna.
6. The Municipal Commissioner, P.M.C., Maurya Lok, Patna.
7. Smt. Abhilasha Devi, the Ward Councilor, Ward No. 47, Patna.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Ajay Kr. Singh, Mr. Raj Kumar, Mr. Rajnish Kumar, Advocates
For the State	:	Mr. Satyendra Rai, A.C. to S.C. 30
For the P.M.C.	:	Mr. Sanjay Prakash Verma, Advocate
For the intervener	:	M/s. Ebrahim Kabir, Shruti Sinha, Advocates

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 21-07-2016

Supplementary counter affidavit has been filed on behalf of the Patna Municipal Corporation as well as the State stating that toilets which were constructed adjacent to the boundary wall of the petitioners have totally been removed and garbage has also been removed from the spot.

It is contended on behalf of the petitioner that though the toilets have been removed but on hut which was constructed by some persons, has not been removed. That apart, it is also contended that

certain persons have started encroaching the lands vacated after the demolition of the toilets and have started constructing huts.

In my view, the writ petition was only for removal of the toilets. However, if there is encroachment upon public land, the State is duty bound to take step for removal of that also.

Let the District Magistrate examine the issue and if some encroachment is found on the flank of the road which is part of the public land then steps should be taken for removal of those illegal encroachment also but not without following the due process of law and, before doing that, reasonable opportunity should be given to all the concerned. So far the land vacated after demolition of the toilets is concerned, the State authority is duty bound to ensure that the same is not encroached illegally by any person.

Accordingly, this writ application stands disposed of.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.07.2016
Transmission Date	NA