

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20809 of 2014

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1. Surendra Hemant Education and Social Welfare Society Surendra Nagar,
Shivala More, Neora, Khagaul, Patna, P.S.- Bihta, District - Patna through its
Secretary

.... Petitioner/s

Versus

1. The State of Bihar. through Chief Secretary, Govt of Bihar, Patna.
2. The Principal Secretary, Department of Home, Bihar, Patna.
3. The Director General of Police, Bihar, Patna,
4. The Superintendent of Police, Patna Rural, Patna
5. The Officer-in-Charge, Bihta Police Station, Bihta, Patna
6. The Officer-in-Charge, Police Post Neora, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Manish Kumar

For the Respondent/s : Mr. Kaushal Kishore, A.C. to GP23

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 08-04-2016

Heard Mr. Yogesh Chandra Verma, Sr. Advocate in support of
the writ application and A.C. to G.P.-23 for the State.

A counter affidavit has been filed on behalf of respondent nos.
4 and 5.

Petitioner is the Secretary of the Surendra Hemant Education
and Social Welfare Society ((for short ‘the Society’) which owns and
runs institution called Surendra B.Ed. Teachers’ Training College in
the nearby hamlet of Patna. It is stated that on the request made by the
Police administration, he permitted use of part/portion of the half
constructed hostel for SC/ST students located within the precincts of

the Institute. The respondents even after repeated request have not vacated the same. If the premises is not vacated and the Institute is not permitted to construct the residential hostel for SC/ST students, it shall face cancellation of recognition to the institution by the National Council for Teachers Education.

In the counter affidavit, it has been stated that the Police Picket was established in the light of the notification of the government. It has no government accommodation. Frantic efforts are being made to have a land acquired/allocated for construction of Picket. In paragraph 10 of the counter affidavit, it is specifically stated that the land for construction of Neora Police Picket has been acquired and communications have been made for construction of the building for housing the Neora Police Picket.

Indisputably, the Police Picket was allowed to run in part/portion of the Institute under oral consent of the petitioner. Now, the Institute requires that part of premises in occupation of the respondents. It does not stand to reason how and on what basis the respondents have not acceded to his request. They can look for another accommodation and/or construct its own building for housing Neora Police Picket. A fair stand has been taken by the petitioner that reasonable time may be granted to the respondents to shift the Neora Police Picket from the precincts of the Institute to any appropriate

location.

Considering the facts and circumstances of the case and after hearing the parties, I am satisfied that present order shall serve the ends of justice.

Let the respondents take appropriate steps for shifting of the Neora Police Picket from the present location i.e. the building of the Institute to any other appropriate place/accommodation within three months failing which the respondent shall vacate the premises and the petitioner shall be entitled to occupy the premises of the Institute presently in occupation of the respondents. The State administration, in that effort of the petitioner, would render required assistance.

The writ application stands disposed of.

(Kishore Kumar Mandal, J)

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