

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8105 of 2016

Kanhai Lal Premi, son of Late Huseni Ram, resident of Mohalla- Anand Bazar, P.S. Danapur, District Patna.

.... Petitioner

Versus

1. The Union of India represented through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. Brigadier, Bihar Regiment Centre, Danapur Cantt., Danapur, Patna.
3. Brigadier, General Office Commanding (G.O.C.), Danapur.
4. Director General of Defence Estate Bhawan, Palam Road, Delhi, Raksha Sampada Bhawan, Ulaan Baatar Marg, Delhi Commandant, New Delhi 110010.
5. Chairman, Danapur Cantonment Board, Danapur, Bihar, Patna.
6. Chief Executive Officer, Danapur Cantonment Board, Danapur, Bihar, Patna.
7. Junior Engineer, Danapur Cantonment Board, Danapur, Bihar, Patna.
8. State of Bihar through the District Magistrate, Patna.
9. Sub-divisional Officer, Danapur, Patna.
10. Circle Officer, Danapur, Patna.
11. Umesh Kumar Ward Member, Cantonment Board, Danapur son of Late Ganesh Sao resident of mohalla Anand Bazar, P.S. Danapur, District Patna.
12. Most. Geeta Devi wife of Late Raja Ram resident of mohalla Anand Bazar, P.S. Danapur, District Patna.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Md.Imteyaz Ahmad, Advocate
For the U.O.I : Mr. Rajesh Kumar Verma, CGC
For the Board : Mr. Amarendra Nath Verma, Advocate
For the State : Mr. Rakesh Prabhat, AC to SC-21.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-07-2016

Heard parties.

As per the allegation, the private respondents have encroached upon pathway obstructing the ingress and egress of the petitioner in Holding No.75A of Anand Bazar which is within the area controlled by Danapur Cantonment Board. The petitioner has also stated that respondent no.11 has started creating problem only after being elected as a Member of the Cantonment Board.

It is contended that the petitioner has approached the Cantonment Board under Section 62 of the Bihar Cantonment Act, 2006 for removal of such encroachment but no decision has been taken as yet.

Learned counsel appearing for the Cantonment Board submits that the Board is considering the issue raised by the petitioner but it has also found the petitioner also to be encroacher.

Be that as it may, the Cantonment Board is directed to take a final decision upon the application made by the petitioner on its own merit and in accordance with law within a reasonable period but not exceeding three months from the date of receipt/production of a copy of this order keeping in mind that his allegation is against respondent no.11 who has been elected as a Member of the Board. In case the petitioner is also found to be an encroacher then a proceeding can also be initiated against him, if the Cantonment Board is competent authority for removal of such encroachment.

It is made clear that this Court has not formed or expressed any opinion with regard to the merit of the case.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J.)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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