

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17240 of 2015

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Lalu Prasad, aged about 57 years, Son of Sri Nand Lal, Resident of Mohalla- Main road Daudpur, Police Station- Sahpur, Post Office- Daudpur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Patna
3. The Patna Municipal Corporation through its Commissioner having office at Maurya Lok Patna.
4. The Commissioner, Patna Municipal Corporation, having office at Maurya Lok, Patna.
5. Sri Chhote Bhari Sao, son of Late Nathuni Sao, resident of Mohalla- New Paharpur, near Aerodrum Wireless Station, Police Station- Punpun District- Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Anil Prasad Singh, Mr. Vikash Kumar, Advocates
For the State	:	Mr. Rajiv Kumar, A.C. to G.A. 5
For the P.M.C.	;	Mr. Sanjay Prakash Verma, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 22-04-2016

I have heard parties.

Petitioner seeks removal of encroachment from public land (Aam Rasta) existing on survey plot nos.356, 357 and 358 appertaining to khata no.175 of Mauza Paharpur, District, Patna.

It is contended that the land was acquired for construction of the wireless station but public road has been left out for general traffic, however, the respondent no.5 has obstructed it by constructing a gate upon it. It is contended that the petitioner has approached the Municipal Commissioner, Patna for removal of such encroachment

but nothing has been done till date.

Accordingly, this writ application is being disposed of with a liberty to the petitioner to approach the respondent no.2, the District Magistrate, Patna by making proper application for removal of encroachment from the public land. On such application having been received, let the District Magistrate consider and examine it or refer it to any competent statutory authority for its consideration in accordance with law. First it should be examined as to whether there is any encroachment existing upon the public land or not. On being satisfied that there is encroachment upon the public land a proceeding should be initiated for removal of the encroachment in accordance with law so that it is concluded within a period of three months from the date of receipt/production of a copy of this order. It goes without saying that before taking a final decision, reasonable opportunity should be given to all the concerned including the respondent no.5. It is further made clear that this Court has not expressed any opinion with respect to the merit of the case.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

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