

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10637 of 2015

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Binay Kumar Singh, S/o Sri Birendra Kumar Singh, Resident of Sanjay
Gandhi Nagar, Road No. 2, Police Station Patrakar Nagar, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Collector, Patna.
3. Land Acquisition Officer, Patna.
4. Sub Divisional Officer, Patna Sadar, Patna.
5. The Senior Superintendent of Police, Patna.
6. Deputy Superintendent of Police, Patna.
7. Station House Officer, Gandhi Maidan, Patna.
8. Commissioner, Patna Municipal Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinesh, Advocate
For the State	:	Mr. Anjani Kumar- AAG-4
For BISCOMAUN	:	Mr. Ashish Giri, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-10-2017

Grievance of the petitioner, an Advocate, in this Public Interest Litigation is that an 18 storied historic building known as BISCOMAUN Tower is situated in the heart of the city of Patna and in the said building various unauthorized encroachments have been created by establishment of unauthorized shops, generator sets and various other obstructions. It is indicated that in this building, which is a commercial area, offices of various important establishments are situated and the general public is required to visit these



offices for various official and personal works and because of the encroachment the public faces hindrance.

Inter alia contending that the building belongs to the cooperative society and surprisingly the cooperative society, owner of the building, has not been impleaded as a party. However, in the writ petition particulars of the encroachments are not given but on scanning through the documents we find that certain encroachments have been identified and there may be a grievance on the part of the petitioner that these encroachments have not been removed. Even otherwise if the building is a public building wherein various public offices are situated the building should be maintained in such manner that unauthorized occupation in the building should be done away with.

We are informed that the Managing Director of the cooperative society is the executive head, incharge for administration in the building and, therefore, we direct that on the certified copy of this order being filed along with details of the encroachment, the Managing Director shall look into the same and ensure that encroachment if any in the building or unauthorized occupation in the building are removed in accordance with law after following the due process and grant



of opportunity of hearing to the person concerned.

Hoping that the encroachment if any in the building would be removed within a reasonable period of time preferably within six months, we dispose of this matter. We may indicate that we have not expressed any opinion on the merits of the matter and in case there is any other dispute, may be a dispute pertaining to the landlord or tenant, they have to be dealt with by the Managing Director in accordance with law and in the garb of this order they shall not be removed in an unauthorized manner.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.11.2017
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