

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16802 of 2013

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Ajay Kumar Son of Shri Nagarmal Bajoria Resident of Jayneet House, S.P. Verma Road, P.O. G.P.O., P.S. Gandhi Maidan, District and Town Patna, Pin 800 001, Bihar.

.... Petitioner/s

Versus

1. The Patna Municipal Corporation, represented through its Municipal Commissioner, Block - C, Maurya Lok, Patna - 800001, Head Office at Budha Marg, Police Station Kotwali, District and Town Patna.
2. The Municipal Commissioner, Patna Municipal Corporation, Block-C, Maurya Lok, Patna - 800001, Head Office at Budha Marg, Police Station Kotwali, District and Town Patna.
3. The Estate Officer, Patna Municipal Corporation having its Head Office at Budha Marg, Police Station Kotwali, District and Town Patna.
4. The Senior Superintendent of Police, Patna.
5. The Station House Officer, Agamkuan Police Station, Patna.
6. The District Magistrate, Patna.
7. The Sub-Divisional Officer, Patna City, Patna.
8. Kumharar Vikash Manch, North - East Side to Transport Nagar Phase-1, Maa Niwas, Kumharar, Patna Represented through its Secretary, namely, Shri Abinash Kumar Singh.
9. Harsh Vardhan Prasad S/o Late Yogendra Prasad Plot No. 1466, Vardhan Place, Kumhrar, P.S. Agamkuan, District Patna-800026.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Mr. Kumar Ravish, Mr. Arif Daula Siddiqui, Mr. Sanket and Mr. Prince Kumar Mishra, Advocates
For the State	:	Mr. Gyan Prakash Ojha, G.A. 7 Mr. Sushant Praveen, Advocate
For the Respondent/s (PMC)	:	Mr. Prasoon Sinha and Mr. Yashraj Bardhan, Advocates
For the Private Respondent/s	:	Mr. Sanjay Parasmani, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 24-03-2017

Heard learned counsel for the petitioner, State and the
Patna Municipal Corporation.

2. The petitioner was aggrieved by the Patna Municipal



Corporation not handing over the peaceful possession of the plot of land which was allotted to the petitioner and for which the petitioner has paid the entire consideration amount.

3. In view of the previous order of this Court, in the measurement done pursuant to order dated 16.03.2017 on 21.03.2017, it has been found that 18 ft. of land has been encroached by other persons which was part of the plot allotted to the petitioner. It was also brought to the notice of the Court that for such encroachment, vigilance case has been instituted against the persons concerned.

4. Having regard to the aforesaid, it is apparent that the vigilance case would take its time as the due procedure of law has to be followed. Further, on a query of the Court as to where the 18 ft., which is alleged to have been encroached by others, if made encroachment free, would satisfy the area which has been allotted to the petitioner, the common stand at the Bar is that the same would not suffice.

5. Having regard to this factual aspect, the Court is of the opinion, that as the petitioner is a valid allottee having fulfilled his obligation of making payment as required by the Patna Municipal Corporation, he is entitled to an equivalent plot. However, since the change would require the matter to be considered by the Transport Nagar Plots Allotment Committee of the Patna Municipal



Corporation, the writ petition stands disposed off with a direction to such Committee to consider the matter of allotting an equivalent plot to the petitioner in place of what has been allotted to him earlier. Let such decision be taken within two months from the date of production of a copy of this order before the Municipal Commissioner, Patna Municipal Corporation, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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