

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3353 of 2015

IN

Civil Writ Jurisdiction Case No. 12913 of 2001

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Nishant Kumar, Son of Sri Braj Mohan Prasad, resident of Village- Musallahpur
Hat Road, Police Station - Kadamkuan, Distrit - Patna

.... Petitioner/s

Versus

1. The State of Bihar through Sri Amrit Lal Meena, the Secretary Department of Urban Development, Govt. of Bihar Patna
2. Pratima S. Verma, the District Magistrate, Patna
3. J. Singh, the Commissioner, Patna Municipal Corporation, Patna
4. Vikash Baibhav, the Senior Superintendent of Police, Patna
5. Rakesh Kumar Bhaskar, the Officer in-charge Patrakar Nagar, Police Station - Patna
6. D.K. Shukla, the Managing Director, the Bihar State Housing Board, Patna
7. Ajay Shankar Sahay, the Executive Engineer, Bihar State Housing Board, Patna Division - I, Kankarbagh

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeeva Roy, Advocate

For the Respondent/s : Mr. Lalit Kishore, Sr. Advocate

Mrs. Binita Singh, 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: 20-11-2017

Learned counsel for the petitioner points out that in spite of order passed on 23.06.2006 in Public Interest Litigation, bearing C.W.J.C. No. 12913 of 2001 (Ranjeet Kumar Sinha Vs. The State of Bihar & Ors.) and C.W.J.C. No. 11119 of 2005 (Lal Deo Das & Ors. Vs. The State of Bihar & Ors.), even though encroachments were removed at the initial stage, but the encroachers have again appeared. and while disposing of the matter on 24.07.2006 an affidavit was filed



by the Board stating that encroachments have been removed, but now it is stated that the encroachers have again surfaced in the area and the Housing Board is not removing the encroachment.

Learned counsel for Housing Board points out that the encroachers have filed writ petition before this Court being C.W.J.C. No. 18696 of 2015 and in the same on 23.12.2016 interim direction has been granted by the learned Writ Court and the Housing Board proposes to move application for vacation of stay order passed in the writ petition and thereafter the Board will take steps for removal of the encroachment.

Learned counsel for the petitioner points out that the encroachers were respondents in the PIL itself and in spite of the order passed in the PIL, they have again filed writ petition in suppression of fact.

If these all are correct, the petitioner may intervene in the writ petition and bring these facts to the notice of the Writ Court with regard to the conduct of the encroachers and the counsel for the Housing Board may also bring to the notice of the Writ Court all these factors and we are sure that the Writ Court after taking note of all these facts would proceed to decide the writ petition in accordance with law.

Presently, as the matter is subjudice before the Writ Court



and there is an interim stay, we are not inclined to take action for contempt. The petitioner may revive his prayer after order is passed by the Writ Court in the writ petition.

With the aforesaid, this application stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.11.2017
Transmission Date	NA

