

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17430 of 2016

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Bidyanand Prasad, son of Raja Ram Prasad, Resident of Village + Post –
Tanduni, Mohalla – Dhibra, P.S.- Bikramganj, District –Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
3. The Collector, Rohtas at Sasaram.
4. The Circle Officer, Bikramganj, Rohtas
5. The Executive Officer, Nagar Panchayat, Bikramganj, Rohtas.
6. Malti Devi, wife of Ashok Bari
7. Pintu devi, wife of Jitendra @ Bikhai Bari
Resident of Tenduni, Mohalla- Dhibra, P.S. Bikramganj, District -
Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. K. Bhatnagar, Adv.
For the State : Mr. Shiv Kumar, AC to GA-3
For Res. No.5 : Mr. Vijay Shankar Upadhyay, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-07-2017 Heard learned counsel appearing on behalf of the

petitioner and learned AC to GA-3 appearing on behalf of

respondent State.

The present writ application has been filed for a

direction to the respondent authorities, particularly, Respondent

Nos. 3 and 4 for removal of the structure, i.e., a toilet, which is

being constructed by the private Respondent Nos. 6 and 7 on the

public land pertaining to Plot No.1845, situated at Bikramganj, in

the District of Rohtas.

A counter affidavit has been filed on behalf of



Respondent Nos. 3 to 5, wherein, a statement has been made at paragraph no.5 that Encroachment Case No. 01/2017-18 has been initiated and notices have been issued to Respondent Nos. 6 and 7 to stop construction and appeared on 21/02/2017, which reads as under :-

“That the statements made in paragraph 1 of the writ petition are by way of prayer.

It is stated in the context that encroachment case vide No.1/2017-18 has been initiated in the matter and respondent No.6, 7 have been served with the notice to show the causes as to why the encroachments made by them be not removed.”

A counter affidavit has been filed on behalf of Respondent No. 5, the Executive Officer, Nagar Parishad, Bikramganj, wherein, a statement has been made at paragraph nos. 6 and 7 that Encroachment Case No. 01/2017-18 has been initiated and notices have been issued to Respondent Nos.6 and 7 to stop construction work of toilet over the land in question. It is further stated in the counter affidavit that intimation through letter no.1023, dated 01/04/2017 has been sent to Respondent No.4 that private respondents have constructed a toilet on government land, hence, after measurement and demarcation construction would be removed and recovery the first installment of amount would be made from the beneficiaries.



Considering the stand of respondent Nos. 3 to 5, particularly, Respondent No.5, in their respective counter affidavit, the writ application has virtually become infructuous and is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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