

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17545 of 2016

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Vikash Chandra Guddu Baba, S/o Late Ramashraya Prasad Singh, presently residing at Mahatma Gandhi Path, Kurji- Baluper, P.O.- Sadakat Ashram, P.S.- Digha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, Secondary Education, Govt. of Bihar, Patna.
5. The Director General of Police, Bihar, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Principal, Shastri Nagar Girls High School, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikash Chandra Guddu Baba (inperson)

For the Respondent/s : Mr. AJAY- GA5

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 25-07-2017

Inter alia contending that there is encroachment in play ground of the school in question and further contending that because of encroachment into the play ground of the school, the right of the children to make use of the play ground is being adversely effected, this petition has been filed in public interest.

Finding the principal of the Institute in question, respondent No. 7 not to have responded to the show cause issued,



respondent No. 7 was directed to file counter affidavit. From the counter affidavit filed by respondent No. 7, Principal of the School in question on 23.06.2017 and the averments made therein from para 6 onwards, we find that on the basis of the communication made by her to the District administration, S.H.O of police Station has registered Shastrinagar P.S. Case No. 301 of 2017 under Sections 447/188 of the Indian Penal Code and the encroachment has since been removed. It is also indicated in the counter affidavit that since the boundary wall of the school premises has not been constructed properly, the encroachment takes place and therefore, the Executive Engineer, Building Construction and Housing Department has been requested on 26.04.2017 to complete the construction of the incomplete boundary wall so that encroachment in future does not takes place.

Keeping in view the aforesaid averments made in the counter affidavit filed and considering the fact that encroachment for the present has been removed, we direct the Building Construction and Housing Department of the State to take steps for completing construction of the boundary wall of the Institute in question, expeditiously, preferably within a period of six months from the date of receipt of certified copy of this order. That apart, the District Magistrate and the S.H.O of the Police Station to ensure that in future till construction of the boundary wall, encroachments are not



undertaken in the premises in question. In case any encroachment is found, the same should be removed forthwith.

With the aforesaid, the application stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28/07/2017
Transmission Date	NA

