

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6319 of 2018

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Dinanath Sharma, S/o Late Daroga Singh, R/o Sumitra Sadan, Jagat Narayan Road, Kadam Kuan, Patna – 800003.

.... Petitioner/s

Versus

1. The Commissioner, Patna Nagar Nigam, Maurya Lok Complex, Patna – 800001.
 2. Jay Singh
 3. Uday Singh
 4. Jai Kishore Singh
- Respondent Nos. 2 to 4 S/o Late Janardan Prasad Singh, R/o Jagat Narayan Road near Rama Niwas P.s. + P.O. – Kadam Kuan, District – Patna – 800003.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar

For the Respondent/s : Mr. Prasoon Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 13-04-2018

Heard Mr. Ansul, learned counsel for the petitioner and Mr. Prasoon Sinha, learned counsel for Patna Municipal Corporation.

Considering the nature of order this Court intends to pass, there is no need for issuance of notice to private respondent nos. 2 to 46 or to adjourn the matter any further.

Though, the present writ application has been filed for a direction to the respondent authorities, particularly, the authorities of the Patna Municipal Corporation to get the encroachment removed from the road as well as unauthorized construction being made by private respondent nos. 2 to 4 situated



in Mauza – Azimabad corresponding to Municipal Survey Plot No. 656, Circle No. 10.

From the submissions and the pleadings made in the writ application it appears that the whole issue is with regard to construction of the house over 3600 square feet of the land by the private respondents whereas they are having title only over 1500 square feet of the land. For redressal of his grievance, an application was submitted by the petitioner before the Vigilance Officer, Patna Municipal Corporation on 29.08.2017, as contained in Annexure-3, and on 07.02.2018 before the Commissioner, Patna Municipal Corporation, as contained in Annexure-6, but the same has not been disposed of. Hence, the present writ application.

Learned counsel for the petitioner, at present, confines his prayer for the disposal of the writ application.

Mr. Prasoon Sinha, learned counsel for the Patna Municipal Corporation submits that the basic dispute is with regard to the construction made by the private respondents and the petitioner is having a remedy under the provisions of Bihar Municipal Act, 2007. However, if the representations of the petitioner have not been disposed of till date the same will be disposed of within a time frame.



Having heard the learned counsel for the parties, though, the prayer has been made for removal of the encroachment from the road as well as the encroachment made by way of unauthorized construction by private respondents, neither the details have been given with regard to the road in question nor the authorities of the State have been made party respondents.

In the circumstances, if the petitioner is having any grievance with regard to encroachment on public road, then remedy lies by filing appropriate application before the concerned Circle Officer for initiating a proceeding under Bihar Public Land Encroachment Act, 2016. So far as the unauthorized construction made by private respondents is concerned, the writ application is disposed of directing the Municipal Authorities to dispose of the representations of the petitioner, as contained in Annexure- 3 and 6 within a period of eight weeks from the date of receipt/production of a copy of this order in accordance with law.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

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