

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17960 of 2016

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Jai Prakash Sinha, aged about 49 years son of Late Bhuneshwar Prasad
resident of 113, C.D.A. Colony, P.S.- Shastri Nagar, Patna- 23, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
2. Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
3. The Municipal Commissioner, Patna Municipal Corporation, Patna.
4. The District Magistrate, Patna.
5. Circle Officer, Patna Sadar Circle, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Station in-charge, Shastri Nagar Police Station, District- Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 12451 of 2016

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Indira Sharma W/o Sri Shashi Shekhar Sharma Plot No. D-4, Rajsheela
Apartment, Sheikhpura More, Patna-19.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Patna Division, Government of Bihar, Patna
5. The Municipal Commissioner, Patna Municipal Corporation, Patna.
6. The District Magistrate, Patna.
7. The Senior Superintendent of Police, Patna.
8. The Station Incharge, Shastri Nagar Police Station, Patna.
9. The Principal Secretary, Forest Department, Govt. of Bihar, Patna.
10. The C.M.D. South Bihar Power Holding Company Ltd. Bihar, Patna.
11. The C.G.M. Bharat Sanchar Nigam Ltd. Bihar Circle, Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 17960 of 2016)

For the Petitioner : Mr. Birendra Nath Mishra, Advocate.

For the Respondents : Mr. Subhash Prasad Singh- GA3

(In Civil Writ Jurisdiction Case No. 12451 of 2016)

For the Petitioner : Mr. Ankit Katriar, Advocate.

Mr. Shakib Ayaz, Advocate.

For the Respondents : Mr. Anjani Kumar, AAG 4

Mr. Amit Kumar Jha, AC to AAG 4



For the PMC : Mr. Sanjay Prakash Verma, Advocate.

For Power Holding Company : Mr. Anand Ojha, Advocate.

Mr. Ashok Karna, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-09-2018

1. By way of this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs:

For issuance of writ in the nature of writ of MANDAMUS or any other appropriate writ order or direction commanding the Respondents to take proper steps for removal of illegal encroachment from the Road widen of the 140 feet government land so that the tax payer's money and effort already spent on so called widening exercise is not frittered away.

2. Heard learned counsel for the respective parties at length. We have considered even the counter affidavit/supplementary counter affidavit.

2.1. Considering Page No. 214 of the 2nd supplementary affidavit filed on behalf of the respondent no. 3, the respondents have prayed for further six months time to construct the canal in place of Kachcha



Nala/Drainage. It is also suggested that if the Kachcha portion shown in the sketch produced at Page 214, if it is made motorable, it will be easier for smooth running of the traffic. It is reported that except one small temple, which is not in between the road, other encroachments have been removed.

3. Considering the page no. 214 of the 2nd supplementary counter affidavit filed on behalf of Respondent No. 3, we dispose of the present petition by observing that Kachcha portion shown in the sketch produced at Page-214, if it is made motorable it will be easier and smooth running of the traffic.

3.1. Therefore, all further necessary steps shall be taken by the Corporation to make Kachcha portion of the road/Kachcha portion shown in the Page-214 motorable.

4. As requested, six months is granted to construct the canal in place of Kachcha Nala/Drainage. All further steps shall be taken to remove the encroachment from the road in question.

4.1. It is reported and as such the encroachment from the road is already removed except some portion of the land which is used as temple. Therefore, the Commissioner, Patna Municipal Corporation and the District Magistrate are hereby directed to see that the



encroachment is not re-surfaced again on the portion of the land.

5. With this the petition stands disposed of.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2018
Transmission Date	20.09.2018

