

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10515 of 2015

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Ravi Shankar Rai, Son of Devendra Rai, At+P.O.-Sarimpur, P.S.- Industrial Nagar, P.S.- Buxer, District- Buxer. At present:- Back side Bailey Road near Jagdeo Path Chauraha, C/o Parwati Bhawan, P.O.- Jagdeo Chauraha, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Special Secretary, Building Construction Department, Government of Bihar, Patna.
5. The Chief Engineer, (South) Building Construction Department, Government of Bihar, Patna.
6. The Superintendent of Police, Patna, District- Patna.
7. The City Superintendent of Police, Central Patna, District- Patna.
8. The Station House Officer, Kotwali, P.S.- Kotwali, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent/s: Mr. Sunil Kumar, AC to GA-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-08-2018

The present public interest litigation has been preferred by the petitioner for an appropriate writ directing the respondents concerned specially Secretary, Building Construction Department, Government of Bihar, Patna to ensure removal of unauthorized



occupation in Block Nos. A, B & C of Officer Hostel situated at Bailey Road, P.S. -Kotwali, District-Patna.

Considering the earlier orders and status report submitted by the State Government taken on affidavit shows in paragraphs 8 and 9 that the illegal occupants from the Officers Flats have been removed.

In the earlier order passed by this Court dated 02.04.2018, the Division Bench taken note of aforesaid and observed as under:-

“None appears for the petitioner.

There is no rebuttal to the counter affidavit filed by the respondents on 30th November, 2017. Learned counsel for the State points out that while directing the State Government to file further status report on 09.03.2018, the averment in the counter affidavit was not taken note of impugned order passed by the State Government along with the said counter affidavit, i.e., Annexures R1/D and R1/E, were not taken note of.

Learned counsel submits that in view of the figures given in these two documents, now there is no unauthorized occupation and the petitioner’s grievance has been remedied.

If that be so, petitioner is required to give their say in the matter.

As none is present for the petitioner, list the matter after four weeks.”



Today, when the present application is taken up for further hearing, learned counsel appearing for the petitioner has chosen to remain absent in the first session. Learned counsel appearing for the petitioner even desired the matter to be taken up for hearing in second session and in the second session learned counsel appearing for the petitioner has also chosen to remain absent.

Considering the affidavits and the fact that the unauthorized occupants have been removed, therefore, the petitioner's grievance has been remedied, we dispose of the present petition as now the cause does not survive.

(Mukesh R. Shah, CJ)

Vikash/-
V.K. Pandey/-

(Dr. Ravi Ranjan, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2018
Transmission Date	NA

