

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5526 of 2019

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Gaurav Kumar Singh, Son of Anjani Kumar Singh, resident of Flat No. 302,
Shashi Sudama Niketan, Road No. 02, Rajendra Nagar, P.O. Rajendra Nagar,
P.S. Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. Chief Secretary, Government of Bihar, Patna.
2. Commissioner, Patna Division, Patna, Bihar at Patna.
3. District Magistrate-cum-Collector, Patna, Bihar at Patna.
4. Commissioner, Patna Municipal Corporation, Patna, Bihar at Patna.
5. Secretary, Urban and Development Department, Government of Bihar at Patna.
6. Managing Director, Bihar Urban Infrastructure Development Corporation, Bihar at Patna.
7. Secretary, Environment and Forest Department, Government of Bihar, Bihar at Patna.
8. Superintendent of Police, Patna, District- Patna.
9. Officer-in-Charge, Kadam Kuan, P.S.- Kadam Kuan, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 8930 of 2019

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Arvind Kumar, Son of Late Vishwanath Singh, Patliputra Path, Rajendra
Nagar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
2. Patna Municipal Corporation, through Municipal Commissioner, Patna.
3. Principal Secretary, Department of Forest and Environment, Government of Bihar, Patna.
4. District Magistrate, Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 5526 of 2019)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

For the Respondent/s : Mr. Yogendra Prasad Sinha (AAG7)

For the PMC : Mr. Prasoon Sinha, Advocate

(In Civil Writ Jurisdiction Case No. 8930 of 2019)



For the Petitioner/s : Mr. Subhash Chandra Bose, Advocate
For the Respondent/s : Mr. Yogendra Prasad Sinha (AAG7)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 13-12-2019 Petitioner Gaurav Kumar Singh in CWJC No.5526 of
2019 has prayed for the following reliefs :-

- I. That the present writ application is being filed in the nature of certiorari for quashing the letter dated 28.08.2018 passed by the Commissioner, Patna Municipal Corporation by which the park has been termed as a land and has been allotted to BUDCO for construction of the sump house in the middle of the Rajendra Nagar in between Ram Avtar Shashtri Golambar to Macdaul Golambar; on the ground that the nature of the land cannot be changed by the letter of the Patna Municipal Corporation (the land has been allotted for the construction of park), the construction of the sump house will lead to pollution as well as the creation of two sump house at a distance of one kilometer in the



same locality;

- II. That the present writ application is being filed in the nature of Mandamus for a direction to the Respondent Authority specially the Environment and Forest Department, Government of Bihar, Patna Division to work in the light of the letter dated 29.09.2014 passed by the Special Secretary, Urban Development Department by which the land has been allotted for the construction of park and submit the report within the stipulated period of time.”

Today, petitioner in CWJC No.5526 of 2019 has placed on record supplementary affidavit inter alia contents whereof reads as under:-

“5. That it is submitted that even though Patna Municipal Corporation has cancelled the NOC given to BUDCO for construction of Sewerage Pumping Station was cancelled as early as 16.01.2019 the encroachment over the said land by the authorities has not been removed. Moresoever, there has been no construction started for developing a park over the same land. It is submitted that the petitioner is bringing the recent photographs of the said land to substantiate



over his pleading and to show that there is encroachment over the said land by the authorities of the BUDCO and PMC and the same has not been removed till now.”

Undisputedly, the respondents have taken remedial action in cancelling the proposal for construction of the Sewerage Pumping Station. However, insofar as the removal of other materials is concerned, it will be open to the writ petitioner to approach the appropriate authority. This Court is hopeful that upon receipt thereof, the authority shall take appropriate action in accordance with law.

CWJC No.8930 of 2019 titled as Arvind Kumar Vs. The State of Bihar & Ors. has been filed in sum and substance for the same reliefs.

Petitions stand disposed of in terms of the aforesaid directions and observations.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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