

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15791 of 2019

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The Bihar Police Cooperative Society Limited, a society registered under Cooperative Societies, Bihar and Orissa Act, 1912, office at R-Block, Patna, P.S. Sachiwalaya, District Patna -800001, through its Secretary Ashok Kumar Patel aged about 66 years, Gender Male, Son of Late Bindeshwari Patel, resident of Kusumpur Colony, Gola Road, P.S.- Rupaspur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Circle Officer, Patna Sadar, Patna.
4. The CMD, Bihar State Road Development Corporation Limited, Central Engineering Works near Airport, Sheikhpura, Patna.
5. The General Manager, Project Execution Unit, R. Block, Digha, Patna, Bihar State Road Development Corporation Limited.
6. The DGM (Technical) Project Execution Unit, R. Block, Digha, Patna, Bihar State Road Development Corporation Limited.
7. The DGM, Project Execution Unit, R. Block, Digha, Patna, Bihar State Road Development Corporation Limited.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG
Mr. Manish Dhari Singh, AC to AG
Mr. Uday Bhan Singh, AC to GP-19

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 19-09-2019 The petitioner's society claims possession over certain land and is in occupation thereof. The respondents came up with a case that the occupation is not lawful and is causing an obstruction in the completion of the R. Block-Digha Road, Phase-I. Accordingly, the Office building of the petitioner and the land has been directed to be handed over in order to utilize the same for the execution of the road project in an unhampered manner.

We had entertained the petition and passed the following order on 26.08.2019:-

"We find that the only request made on behalf of the petitioners is for alternatively providing it some accommodation or some arrangement be made in order to enable the petitioners to shift their records from the present building. They have no objection to the construction of the road."



In this view of the matter, the demand of the petitioners to be brought to the notice of the Principal Secretary, Home, Government of Bihar as well as the Director General of Police who may negotiate the matter within the Government itself and provide a solution in order to enable the authorities to continue with the construction project unhindered.

The matter be listed on the request of the learned Advocate General on 16.9.2019."

The learned Advocate General has appeared in the matter. An affidavit has been filed on behalf of the respondents enclosing therewith the order/communication dated 13.09.2019 whereby the request of the petitioner has not been found to be feasible with an observation that the petitioner has been unable to establish any claim over the land on the basis of any title or documents.

In the above background, we do not find any reason to interfere with the communication dated 23rd



July, 2019 whereby the petitioner has been called upon to vacate the premises and hand over the same to the respondents. This is not a fit case for interference in the exercise of jurisdiction under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

Shageer/Praveen

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