

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5998 of 2018

Manish Kumar Son of Arjun Sharma Resident of 455, Nehru Nagar, Van Vibhag, P.S. Patliputra District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The Secretary, Bihar State Building Construction Department, Patna
4. The District Magistrate Patna District- Patna.
5. The Additional Collector, Land Reforms Patna District Patna.
6. The Senior Superintendent of Police, Patna District Patna.
7. The Station House Officer, Phulwari Sharif, P.S. Patna District- Patna.
8. The Patna Municipal Corporation, Patna through its Commissioner cum Secretary.
9. The Commissioner, Patna Municipal Corporation, Patna.
10. The Secretary, Patna Municipal Corporation, Patna.
11. The Nagar Parishad Phulwari Sharif, Patna through its Executive Officer.
12. The Executive Officer, Nagar Parishad Phulwari Sharif, Patna.
13. The North Bihar Power Holding Company Limited through its Managing Director.
14. M/S Ashwani Enterprises Pvt. Ltd. Company under Registration No.- 0304990/1992 through its Managing Director namely Mr. Ashwani Kumari Singh, at Present running in Ashwani Enclave, at NH- 98 besides AIIMS, Patna, Pin- 801505
15. Mr. Ashwani Kumar Singh Son of Hari Dayal Singh Resident of RF- 234, Lohia Nagar, P.O. - Lohia Nagar, P.S. Kankarbagh, District- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar, Advocate
For the Respondent/s : Mr.Yogendra Prasad Sinha, AAG-7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-11-2019



The petitioner has prayed for following reliefs:-

(A) For issuance of an appropriate writ order or direction commanding the respondents to verify and take legal and proper action in accordance with law on complaint/representation made by present petitioner on 23-11-2017 followed by reminder dated 28.01.2018, which has been sent on 29-01-2018/30-01-2018 with regard to illegal construction of Apartment namely “Ashwani Enclave” under construction at NH-98 besides AIIMS, Patna which is being constructed by respondent No.14 herein namely M/S Ashwani Enterprises Pvt. Ltd Company under Registration No.0304990/1992 through its Managing Director namely Mr. Ashwani Kumar Singh, at present running in Ashwani Enclave, at NH-98 besides AIIMS, Patna, Pin-801505.

[B] For issuance of an appropriate writ order or direction commanding the respondents to take final decision on the complaint/representation made by present petitioner on 23-11-2017 followed by reminder dated 28-01-2018, which has been sent on 29-01-2018/30-01-2018 with request to verify and take legal and proper action in accordance with law in illegal construction of Apartment namely “Ashwani Enclave” under construction at NH-98 besides AIIMS, Patna.

[C] For issuance of an appropriate writ order or direction commanding the respondents to take final decision on the complaint made by present petition and after hearing the parties pass necessary orders regarding illegal construction of Apartment namely “Ashwani Enclave” under construction at NH-98 besides AIIMS, Patna.

[D] For any other relief or relief for which petitioner is entitled in the opinion of this Hon’ble High Court.

It is jointly submitted that in pursuance to the grievance of the petitioner Encroachment Case No.17/2 of 2019-20 has already been initiated.



In that view of the matter, the instant writ application stands disposed of.

However, it is expected from the authority concerned to conclude the aforesaid encroachment proceeding within a period of three months after giving due opportunity of hearing to all affected persons, in accordance with law.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

Ashwini/DKS

AFR/NAFR	NAFR
CAV DATE	NIL
Uploading Date	19.11.2019
Transmission Date	NIL

