

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17521 of 2017

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Jhuggi Jhopri Bachao Morcha, Strand Road, Gate No.2, Opposite, Sanjay Gandhi Biological Park, Patna through its Head Smt. Ranju Devi, W/o late Dipan Mahto, resident of Village/ Mohalla- 8 Stand Road, Gate No. 2, In Front of Sanjay Gandhi Jaivik Udyan, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Under Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Additional District Magistrate, Law and Order, Patna.
6. The Sub Divisional Officer, Patna Sadar.
7. The Senior Superintendent of Police, Patna.
8. The City Superintendent of Police, Patna.
9. The Deputy Superintendent of Police, Sachivalaya, Patna.
10. The Station Head Officer, Sachivalaya Police Station, Patna.
11. The Commissioner, Municipal Corporation, Patna.
12. The Union of India through the Secretary Ministry of Urban Development and Poverty Alleviation, Govt. of India, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Kashyap, Advocate
For the Respondent/s	:	Mr. Anjani Kumar -AAG 4
For the PMC	:	Mr. Yasraj Bardhan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 28.11.2017 is listed for
hearing for the first time today before the Court.

Heard learned counsel for the petitioner and learned



counsel for the respondents.

Petitioner has prayed for the following relief:

“(I) For issuance of appropriate writ (s), thereby quashing and setting aside the order as contained in Memo No.3562, dated 20.08.2017 (Annexure-10) issued under the seal and signature of the Respondent No.5 thereby ordering and deputing Executive Magistrate for removing and demolishing alleged encroachments made by Jhuggi Jhopri dwellers at Hon’ble Judges’ residence No.03, Anne Marg, Patna and at 09 Strand Road approaching towards west.

(II) For further directing and commanding the respondents to make alternative rehabilitation and resettlement arrangements for these Jhuggi Jhopri dwellers before removing alleged encroachments as they are dwellers since the year 1974 without any rehabilitation programme for them and are surviving for their livelihood by either serving at Ministerial quarters or as street venders.

(III) For restraining the respondents to resort to any coercive steps for removal of Jhuggi Jhopris from western Rasta of 9 Strand Road till the final outcome of this PIL.

(IV) For grant of any other relief (s) as deem fit and proper in the facts and circumstances of this case.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider



and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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