

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15571 of 2021

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Kumar Amar Singh Son of Late Dineshwar Prasad Singh Residing at Rajiv Nagar Road No. - 8, Near ideal Public School, P.S. - Rajiv Nagar, in the town and district of Patna, State - Bihar - 800024.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. District Magistrate - cum- Collector, Patna.
4. The Managing Director, Bihar State Housing Board, Patna.
5. Raman Kumar, I.A.S., Managing Director, Bihar State Housing Board, Patna.
6. Vivek Kumar, I.P.S. Commandant, B.M.P. - 1, Patna.
7. District Land Acquisition Officer, Patna.
8. Executive Engineer, Bihar State Housing Board, Patna Division - 3, Patna.
9. Additional District Magistrate, Law and Order, Patna.
10. Assistant Engineer, Bihar State Housing Board, Digha Camp, Office, Patna.
11. Executive Engineer (Electrical) S.B.P.D.C.L. Rajiv Nagar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajni Kant Jha, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha, AAG-7
		Mr. Rajeev Kumar Sinha, AC to AAG-7
For the Housing Board	:	Mr. Pawan Kumar, Advocate
For the S.B.P.D.C.L.	:	Mr. Vinay Kirti Singh, Sr. Advocate
Respondent No.11		Mr. Vijay Kumar Verma, Advocate
		Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-11-2021 Heard Mr. Rajni Kant Jha, learned counsel for the appellant, Mr. Pawan Kumar, learned counsel for the Bihar State Housing Board and Mr. Vinay Kirti Singh, learned senior counsel appearing for the South Bihar Power Distribution Company Ltd. (Respondent No. 11).



The petitioner is aggrieved by Annexure-1 which is notice dated 4.1.2021 issued under signature of the Executive Engineer, Bihar State House Board for removal of encroachment from Plot Nos. 3133 and 3134 (part) situated at Rajiv Nagar, Road No. 8.

Learned counsel for the petitioner submits that the petitioner is not the owner of Plot Nos. 3133 and 3134 (part), but from perusal of Annexure-3, it would be evident that the name of the petitioner is mentioned therein as an encroacher and the Police Force has been requisitioned by the Executive Engineer from the Additional District Magistrate, Law and Order, for removal of encroachment from Plot Nos. 3133 and 3134 (part). Therefore, the petitioner has apprehension that the Police Force while removing the encroachment from Plot Nos. 3133 and 3134 (part) may enter into the premises of the petitioner also situated on Plot No. 3135.

In reply, learned counsel for the Bihar State Housing Board submits that the apprehension of the petitioner is unfounded inasmuch as the impugned notice as well as Annexure-3 concerns with Plot Nos. 3133 and 3134 (part), and if the petitioner will be found encroaching upon the portion of Plot Nos. 3133 and 3134 (part), for which, the petitioner is not



claiming any right, the Respondent-Board will be free to remove encroachment from that portion of the land.

In view of the submission advanced on behalf of the parties, the Bihar State Housing Board is directed not to interfere with the possession of the petitioner on Plot No. 3135 in any manner pursuant to impugned notice. However, it will be open for the Bihar State Housing Board to proceed for removal of encroachment from Plot Nos. 3133 and 3134 (part) only in accordance with law.

With aforesaid observation and direction, this writ application stands disposed of.

(Anil Kumar Sinha, J)

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