

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17153 of 2021

Food Corporation of India through the Divisional Manager, Food Corporation of India, Division Office, Digha, Patna Rajeev Kumar, male by gender, aged about 41 years, S/o Late Bageshwari Prasad, resident of Golakpur Mahendru, P.S.-Pirbahore, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department.
2. The District Magistrate, Patna.
3. The Circle Officer, Patna Sadar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Saket Tiwary
For the Respondent/s	:	Mr. Ravi Bhardwaj, AC to GA 13

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 16-11-2021

Heard learned Counsel for the petitioner and learned
Assistant Counsel to Government Advocate No. 13.

2. The petitioner, Food Corporation of India, is aggrieved by the proceedings of Encroachment Case No. 30/2021-22, initiated by the Circle Officer, Patna Sadar, Patna, for removal of the encroachment on the lands bearing Khesra No. 4371, Thana No. 01, having an area of 73 decimals, situated at Digha Ghat, Patna.

3. Learned Counsel for the petitioner submits that before the incorporation of the petitioner Corporation as a special organization to cater the needs of procurement, storage and distribution of food grains, the work was being done by the



Department of Food, Ministry of Agriculture, Government of India and the godowns were called Central Food Storage Depot. He further submits that the subject matter of the notice, dated 08.09.2021, issued by the Circle Officer, Patna Sadar is the godown and railway siding owned by the petitioner Corporation. He further submits that vide letter no. F.30-1/65-SG.II, dated 26.05.1972 (Annexure-1), the Government of India transferred the godowns of Central Food Storage Depots along with railway siding to the petitioner Corporation in various States, including Bihar, and the petitioner Corporation has been using the godown as well as the railways siding, situated at Digha Ghat, Patna, for the last 50-52 years uninterruptedly. He next submits that the Circle Officer has got no jurisdiction to initiate the proceeding under the Bihar Public Land Encroachment Act (in short, 'the Act') because there is serious dispute of right, title and interest inasmuch as the petitioner Corporation is claiming its right, title and interest based upon the transfer of the godown and the railway siding by the Government of India in favour of the petitioner Corporation. He also submits that a proper objection, in pursuance of the notice issued by the Circle Officer, under Section 3 of the Act, has been filed by the petitioner Corporation with a prayer to make the Railways as a party in that encroachment proceeding.



4. On the other hand, learned Counsel for the State submits that the petitioner Corporation has already filed its objection with a prayer to implead the Railways as a party and the same shall be decided by the Circle Officer in accordance with law.

5. After taking into consideration the rival submissions advanced on behalf of the parties, the fact emerges that the petitioner Corporation has already filed its objection before the Circle Officer, Patna Sadar, along with a prayer for impleading the Railways as a party.

6. Accordingly, the Circle Officer, Patna Sadar, Patna (respondent no. 3) is directed to dispose the petition filed by the petitioner Corporation for impleading the Railways as a party in the encroachment proceeding in accordance with law and thereafter proceed to dispose the objection filed by the petitioner Corporation.

7. With the aforesaid observation and direction, this writ application is disposed of.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16-11-2021
Transmission Date	N/A

