

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20187 of 2018

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Brajesh Kumar Atreya Resident-Simari Bigha, Kasamkuan, Police-
Warsaliganj, District-Nawadah.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Bihar State Building Construction Corporation Ltd.
3. The Patna Municipal Corporation Execution Officer In Charge
4. The Station House Officer, Shastri Nagar Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nivedita Nirvikar, Sr. Adv
For the State	:	Mr. A.K. Dubey AC to AAG-11
For the Respondent no.2 :		Mr. Tej Bahadur Singh, Sr. Advocate
		Mr. Brisketu Sharan Pandey, Adv

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 26-07-2022

Heard learned counsel for the parties.

The present writ petition in the nature of PIL has been
filed for removal of encroachment made on Khata No. 243,
Plot no. 734 (part) measuring 2 Kathas approximately,
situated at Mauza Sherullanpur and is located between
Rajbanshi Nagar Hospital and Office of Building

Construction Corporation Limited and encroachers have made a *Khatal* in it causing much inconvenience to local people, passerby and Hospital inmates.

The land was acquired by the Government in 1958 and is under occupation of Building Construction Corporation Ltd.,and earlier also encroachment was made over this land but same was removed by the Patna Municipal Corporation in 2012 and land was protected by raising a boundary wall, however, boundary wall has been broken by the encroachers and *Khatal* has been established again.

Counter affidavit has been filed on behalf of Building Construction Department stating therein that the land in question is situated between the Office of Building Construction Corporation Ltd. and Lok Nayak Jai Prakash Narayan Hospital, Rajbanshi Nagar. Earlier, the encroachment was removed by the Patna Municipal Corporation, but again encroachment has been made and the land belongs to Building Construction Corporation Ltd.

Counter affidavit has been filed by Patna Municipal Corporation in which it has been stated that the land in question belongs to the Building Construction Corporation

Ltd. A Committee headed by the District Magistrate, was constituted vide letter no. 940 dated 15.03.2020 to examine the encroachment on the plot in question. Circle Officer, Sadar Patna, vide memo no. 4649 dated 18.12.2020 submitted the measurement report from which it transpires that a boundary wall has been constructed by the Bihar State Building Construction Corporation Ltd., Patna, over the plot in question.

Counter affidavit has also been filed by the Circle Officer, Patna, stating therein that land belongs to Bihar State Building Construction Corporation Ltd., and the physical measurement of land in question was made and it was found that Bihar State Building Construction Corporation Ltd., has raised a boundary wall over the land in question.

In view of statement made in the counter affidavit filed by the respondents, the writ petition is disposed of with a direction to the respondents that henceforth, no encroachment over the land in question shall be made by encroachers and a constant vigil shall be kept in this regard.

Liberty is reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance

with law.

Further, liberty is granted to the petitioner to approach this Court for the same and subsequent cause of action, if so arises.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA