

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5935 of 2022

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Gandhi Krishi Clinic Mathurapur, Samastipur through the Proprieter Jai Shankar Roy, Male, aged about 50 years, Son of Ishwar Roy, Resident of Village - Magardahi, Kharidabad, Sant Kabir College Road, Police Station - Samastipur (Muffasil), District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar, through Additional Chief Secretary, Co-operative Department, Govt. of Bihar, Patna.
2. The Administrative Officer, Bihar Rajya Krishi Vipanana Parshad (Vigatit), Pant Bhawan, Bailey Road, Patna - 800001.
3. The Secretary Cum Chairman, Bihar Rajya Pool Nirman Nigam Ltd., Government of Bihar, 7 Sardar Patel Marg, Patna - 800015.
4. The District Magistrate Samastipur - 848101.
5. The Special Officer, Krishi Utpadan, Bazar Samiti (Vigatit), Mathurapur, Samastipur Cum Sub Divisional Officer, Samastipur, District - Samastipur - 848101.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad, Adv.
For the Respondent/s	:	Mr.Manoj Kumar Ambastha, SC-26
For the B.R.P.B. Ltd.	:	Dr.Anand Kumar, Adv
		Mr.Rajan Prakash, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-12-2022 The present writ petition has been filed seeking the following reliefs:-

“1(a). For issuance of writ in the nature of certiorari or any appropriate writ/s, direction/s, order/s to quash the memo no. 01 dated 03.02.2022 issued under signature of the respondent no. 5 whereby the petitioner and other have been served with notice to remove the encroachment over the vacant land of



Bazar Samiti within 24 hours which has been encroached by him by making construction of hut like structure. Further in the aforesaid notice it has also been mentioned that if within the said period encroachment has not been removed then the administration shall take steps for removal of the same and cost shall be realized from the petitioner and others.

(b) For issuance of the writ in the nature of mandamus or any other appropriate writ/s, order/s, direction/s to the respondents not to demolish the Gandhi Krishi clinic in view of the aforesaid notice dated 03.02.2022 which was established on the said land by the petitioner under valid permission of the authority vide memo no. 507 dated 28.08.2004 and also vide letter no. 118 dated 29.06.2012 for business purposes and for that petitioner is also paying rent to the authority concerned.

(c) For issuance of the writ in the nature of mandamus or any other appropriate writ/s, order/s, direction/s to the respondents to shift the establishment of the Gandhi Krishi Clinic, Mathurapur, Samastipur in adjacent vacant land of



the Bazar Samiti by way of rehabilitation to the petitioner.”

The learned counsel appearing for the Respondent-State as also for the Bihar Rajya Pool Nirman Nigam Ltd. have jointly submitted that the encroachment in question has already been removed, inasmuch as the shop of the petitioner has been demolished.

At this juncture, the learned counsel for the petitioner submits that he has got no intention of hindering the infrastructural development projects, however, considering the fact that the shop was settled initially in favor of the petitioner herein, he should be rehabilitated and an alternative shop should be allotted to him and for the said purpose, he is ready to approach the District Magistrate, Samastipur.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to approach the District Magistrate, Samastipur, by filing appropriate



representation, within a period of four weeks from today, which shall be considered, in accordance with law, and appropriate decision shall be taken thereon, within a period of twelve weeks, thereafter.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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