

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7147 of 2018

1. Syed Nooruddin Ashraf.
2. Syed Qamruddin Ashraf,
Both sons of Late Syed Azizuddin Ashraf, Residents of V and II
'Emarat Villa' respectively, Chitkohra, P.S.- Gardanibagh, District- Patna-
800002.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Patna Municipal Corporation, through Municipal Commissioner,
Maurya Lok, Patna.
3. The Municipal Commissioner, Maurya Lok, Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Mayor, Patna.
7. The Deputy Mayor, Patna.
8. The Additional District Magistrate, Law and Order, Patna.
9. The Executive Officer, Patna Municipal Corporation, New Capital Circle,
Patna.
10. The Officer-in-Charge, Beur Police Station, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Syed Firoz Raza, Advocate.
For the State	:	Mr. Rakesh Ambastha, AC to AAG-7.
For the Respondent PMC	:	Mr. Prabhakar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 16-08-2023

Heard Mr. Syed Firoz Raza, learned counsel for the
petitioners, Mr. Prabhakar Singh, learned counsel for the
respondent Patna Municipal Corporation and Mr. Rakesh
Ambastha, AC to AAG-7 for the State.

2. The petitioners are the residents of Mauza



Chitkohara, have preferred the present writ application on a genuine apprehension of compounding their problems, based upon a letter contained in Memo No.4758 Dated 13.11.2017 issued by the Additional District Magistrate, Law and Order Patna, whereby direction has been issued to the Administration to clear the encroachment from the acquired land, in view of the Memo No. 2043/Estb. Dated 11.11.2017 suggesting the construction of Animal Birth Control Center with Canine Section and Operation theater for Street Dog on Beur Road, Patna.

3. Mr. Raza, learned counsel for the petitioners submits that the land in question was acquired under the provision of Land Acquisition Act, 1894, for the purposes of Sewerage Purification Treatment Plant and out of the total area acquired by the Patna Improvement Trust, some part of area carved out from different plots for residential purpose. He further submits that earlier also the Patna Municipal Corporation has come out with certain plan in complete deviation from the aim and object of the acquisition of land, which led to the filing of a writ application bearing CWJC No.9406 of 2001, wherein the concerned authorities have filed a counter affidavit with a clear stipulation that they would



stick to their aim and object for which the land was acquired.

4. A counter affidavit as well as supplementary counter affidavit have also been filed on behalf of the Patna Municipal Corporation. Mr. Singh, learned counsel representing the Patna Municipal Corporation with reference to Paragraph nos.5 and 6, categorically stated that construction of Animal Birth Control Center with Canine Section and Operation theater for Street Dog has not been carried out on the acquired land and moreover at present there is no proposal as such.

5. In view of the submissions made on behalf of the learned counsel representing the Patna Municipal Corporation, the apprehension of the petitioners is no longer survive.

6. Accordingly, the present writ application stands disposed of in the light of the aforesaid averment and undertaking given by the respondent Patna Municipal Corporation.

(Harish Kumar, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.08.2023.
Transmission Date	NA

