

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3951 of 2019

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Anil Bhushan S/o late Ram Chandra Singh Resident of Kankarbagh Colony
More, P.O.- Lohiya Nagar, P.S. Kankarbagh, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Principal Secretary, Urban Development Department Govt. of Bihar,
Patna
4. Director General of Police, Bihar, Patna
5. District Magistrate/Collector, Patna
6. Senior Superintendent of Police, Patna
7. Sub-Divisional Magistrate, Patna
8. Deputy Collector Land Reforms (L.R.D.C.) Patna
9. Circle Officer, Patna
10. Officer-in-Charge, Rajiv Nagar Police Station (S.H.O.), Patna
11. Officer-in-Charge, Digha Police Station(S.H.O.), Patna
12. Officer-in-Charge, Danapur Police Station(S.H.O.), Patna
13. Bihar State Housing Cooperative Federation Ltd. Lalit Bhawan, Baily Road,
Patna-01
14. Managing Director, Bihar State Housing Cooperative Federation Ltd. Lalit
Bhawan, Baily Road, Patna- 01

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Shyama Kant Singh, Advocate Mr. Rajeev Shekhar, Advocate
For the State	:	Mr. Binay Kumar Pandey, A.C to G.A-2
For the Housing Federation Corporation	:	Mr. Rajesh Prasad Chaudhary, Advocate Mr. Rakesh Ranjan, Advocate
For the Intervenor (I.A. No.3/2019)	:	Mr. D.K.Sinha, Sr. Advocate Mr. Pramod Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-09-2023



1. The petitioner is before this Court claiming that there is a lot of encroachments on the properties of the 13th respondent-Bihar State Housing Cooperative Federation Ltd. whose Managing Director is the 14th respondent. None of these encroachers have been impleaded hereunder.

2. The learned Senior counsel, who appears for the petitioner, submits that now the Government has taken steps but however that has not achieved fruition insofar as removing all the encroachers. It is prayed that the District Magistrate, who has initiated steps may be directed to expedite the same and also conclude it within a time frame.

3. The Bihar State Housing Cooperative Federation Limited supports the petitioner and submits that it was under liquidation when such encroachments were made. The District Magistrate, who was put in charge of the Federation had taken steps to remove the encroachments but however, it did not eventually conclude with the vacation of such encroachers.

4. We see that none of the encroachers have been impleaded in the writ petition. Even a rank trespasser requires to be evicted in accordance with law. The Federation has also pointed out that there are number of intervenor petitions filed by the encroachers in the public interest litigation which have not



been considered till date. In any event, it is not for this Court to decide upon the conflicting contentions of the encroachers as against the Federation’s title to the property.

5. The Federation admittedly is not under liquidation now and is alive and kicking. In such circumstances, the Federation could take appropriate steps for eviction of the encroachers which has to be done in accordance with law. The Federation would have the liberty to approach the Authorities under the Bihar Public Land Encroachment Act, 1956. In such circumstances, we see no reason to keep the writ petition pending.

6. The writ petition stands closed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Shiv/Saurabh

AFR/NAFR	
CAV DATE	N/A
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