

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4689 of 2023

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Pawan Kumar Jha S/o Late Jitendra Narayan Jha, R/o-MIG 18, In front of park, Hanuman Nagar, P.O. Lohiya Nagar, P.S.-Patrakarnagar, Patna, Bihar-800020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Main Secretariat, Patna-800015.
3. The Additional Chief Secretary, Department of Home, Government of Bihar, Old Secretariat, Bailey Road, Patna-800015.
4. The Commissioner Patna Division, West Gandhi Maidan, Raja Ji Salai, Lodipur, Patna, Bihar 800001.
5. The District Magistrate, Patna, Bihar.
6. The Commissioner Patna Municipal Corporation, Maurya Lok Complex, Patna, Bihar.
7. The Sub-Divisional Office, Phulwarisharif, Patna, Bihar.
8. The Circle Officer, Phulwarisharif, Patna, Bihar.
9. Mukesh Kumar alias Mungoo Jee, S/o-Anand Rai, R/o-Ramkrishna Nagar, Madhuval Colony, Near Shankar Shanbhu Mandir, 10 meter ahead of Sanjay Kirana, Patna-800027.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Aman Raj, Advocate
For the Respondent/s	:	Mr.Md. N.H. Khan (SC-1)
		Mr. Fazle Karim, AC to SC-1
For the PMC	:	Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-11-2023 The present writ petition has been filed seeking the following reliefs:-

“1. i. For directing the Respondent Authorities for facilitating the removal of the illegal, malicious and capricious encroachment made by the Private Respondent No. 9 on the



P.C.C. road, constructed on the land bearing Khesra No. 630, Khata No.-119, Thana No.-26, Mauza-Jaganpura, Patna for which land of the petitioner has also been used for constructing such road without following the due process of law or Land Acquisition process.

ii. For directing the Respondent Authorities to restrain the Private Respondent No. 9 not to disturb the peace, tranquillity, law and order of the vicinity of the encroached P.C.C. Road, which is the ingress and egress of the land of the Petitioner.

iii. For commanding the Respondent Authorities to take stringent, punitive legal action against the Private Respondent No. 9 for illegally, maliciously and fraudulently encroaching the P.C.C. Road, which is ingress, egress of the land of the Petitioner, causing distress to the petitioner in his legitimate use and enjoyment of his constitutional, legal rights.”



2. At the outset, the learned counsel for the respondent-Patna Municipal Corporation Sri Prasoon Sinha has submitted, by referring to the counter affidavit filed in the present case, that during the site inspection of the building in question, which has allegedly encroached the public road, the enquiry team found that neither any documents nor any sanctioned map of the building under construction was in possession of the person constructing the building in question, hence a Vigilance Case No. 45B/2023 has been initiated against Sri Shivji Yadav and others, S/o. of Late Anand Rai and notices have already been issued to them.

3. In view of the aforesaid, the learned counsel for the petitioner submits that the respondent-Patna Municipal Corporation be directed to conclude the proceedings of the aforesaid Vigilance Case expeditiously.

4. Having regard to the facts and circumstances of the case, I direct the authorities of the Patna Municipal Corporation to conclude the



proceedings of the aforesaid Vigilance Case No. 45B/2023 within a period of six months from today and thereafter take appropriate action, in accordance with law, forthwith.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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