

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7083 of 2022

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Ramesh Prasad, son of Late Mahendra Prasad a leprosy patient, resident of Ward No. 12, Ram Nagar Kushth Ashram, Khagaul, P.S. Khagaul, District-Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Social Justice and Empowerment, Govt. of India, New Delhi.
2. The Secretary, Ministry of Social Justice and Empowerment, Govt. of India, New Delhi.
3. The State of Bihar through The Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
5. The Divisional Commissioner, Patna.
6. The District Magistrate, Patna.
7. The Subdivisional Officer, Danapur, Patna.
8. The Circle Officer, Danapur, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 12736 of 2017

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Raj Kishore Srivastava Son of Late Dinanath Srivastava Resident of Mohalla- South Ashok Nagar, Road No. 8B, P.S. Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
4. The District Magistrate, Patna.



5. The Executive Officer, Danapur Circle, P.M.C.
6. The Circle Officer, Danapur.
7. The Sub Divisional Officer, Danapur.
8. The Circle Officer, Sadar, Patna.
9. The Sub Divisional Office, Sadar, Patna.
10. The Nagar Ayukta P.M.C. Patna.
11. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
12. The S.S.P. Patna.
13. The Additional S.P. Danapur.
14. The S.H.O. Rupaspur, Danapur.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7083 of 2022)

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate
Mr. Atal Bihari Pandey, Advocate
Mr. Alok Kumar Jha, Advocate
Mr. Mukund Kumar, Advocate

For the Respondent/s : Mr. Dr. K.N. Singh, ASG

For the State ; Mr. Gyan Prakash Ojha, GA-7
Mr. Ajit Kumar, AC to GA-7

For the PMC : Mr. Prasoon Sinha, Advocate

(In Civil Writ Jurisdiction Case No. 12736 of 2017)

For the Petitioner/s : Mr. Raj Kishore Srivastava, Advocate

For the State : Mr. Ajit Kumar, GA-9
Mr. Vikash Jha, AC to GA-9

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 31-07-2023

1. The writ petitions are directed against the



encroachments on Gairmazarua Aam (Ahar)/Nala.

2. In CWJC No. 7083 of 2022, the issue is with regard to rehabilitation of settlement of lepers residing on the flank of Gairmazarua Aam (Ahar).

3. In C.W.J.C No. 12736 of 2017, the petitioner prays for removal of encroachment from the flank of Garimazarua Aam (Ahar)/Nala situated near Danapur Railway Station to Digha, Patna. While the petitioner in C.W.J.C. No. 12736 of 2017 is concerned with the removal of such encroachment, CWJC NO. 7083 of 2022 has been filed pointing out that if they are removed from the said place, they will have nowhere else to go.

4. The petitioner in CWJC No. 7083 of 2022 attempts to ventilate the cause of persons afflicted with leprosy and providing suitable shelter for those persons who have now been sheltered in the place; where there is alleged to be an encroachment.

5. By the orders passed in the writ petitions, it is clear that the State has taken upon itself the duty of rehabilitating the lepers. As of now, the Circle Officer, Danapur has filed a report dated 22.8.2022 wherein it is suggested that if the Railway authorities provide 10 to 15 feet vacant land under



the over bridge, then there would be a possibility that the entire persons afflicted with leprosy can be adjusted at that location.

6. In the above circumstances, we implead the East Central Railway, Danapur Division, as the additional respondent. Dr. K.N. Singh, learned ASG, is requested to take notice for the said party. We would expect the State to give concrete proposals for the shifting of the Aashram so as to facilitate proper settlement of the persons afflicted with leprosy and thus remove the encroachment on the canal.

7. As far as the other encroachments are concerned, CWJC No. 12736 of 2017 was filed and the State is said to have initiated an encroachment case against many of the persons. We see that none of the persons are impleaded herein. In the circumstances the State having initiated encroachment case, we are of the opinion that there can be no monitoring done of the encroachment cases.

8. Learned counsel submits that there is another case CWJC No. 14815 of 2022, wherein many of the encroachers have come before this Court against the proceedings for eviction. We have already dismissed the said writ petition leaving remedy to the petitioners to raise all contentions before the authority.



9. In the above circumstances, we are of the opinion that CWJC No. 12736 of 2017 need not be kept pending. We expect the State to proceed with the removal of the encroachment in accordance with law as expeditiously as possible.

10. We dispose of CWJC No. 12736 of 2017.

11. We keep CWJC No. 7083 of 2022 pending only to ensure rehabilitation of persons afflicted with leprosy.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Spd/shiv

AFR/NAFR	
CAV DATE	
Uploading Date	03.08.2023
Transmission Date	

