

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15912 of 2021

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Surya Narayan Pandey, Son of Late Baleshwar Nath Pandey, Resident of
L.I.G., Flat No. 100/18, Lohia Nagar, Kankarbagh Colony, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. Bihar State Housing Board, through the Managing Director, 6 Sardar Patel Marg, Patna - 15.
4. The Managing Director, Bihar State Housing Board, 6, Sardar Patel Marg, Patna - 15.
5. Prabandhak, Bhusampada cum Joint Secretary, Bihar State Housing Board, 6, Sardar Patel Marg, Patna - 15.
6. Kamla Devi, Wife of Late Prafulla Prasad Singh and daughter of Late Paras Nath Singh Resident of Village - Khanpura, P.S. Masaurhi, District- Patna. At Present resident of L.I.G., Flat No. 100/17, Lohia Nagar, Kankarbagh Colony, Patna -20.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nagendra Rai, Advocate
For the Housing Board	:	Mr. Pawan Kumar, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9
		Mr. Yogesh Kumar, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-01-2023 Heard Mr. Nagendra Rai, learned counsel for the

petitioner, Mr. Pawan Kumar, learned counsel appearing on

behalf of Bihar State Housing Board and Mr. Kinkar Kumar,

learned SC-9 for the State.

Sri Nagendra Rai, learned counsel for the petitioner

submitted that respondent No.6 has encroached common area,

adjacent to the ground floor of L.I.G. Flat No. 100/17, Lohia



Nagar, Kankarbagh Colony, Patna, registered in the name of Late Parash Nath Singh, which has been transferred in the name of respondent No.6 Kamla Devi, wife of Late Prafulla Prasad and daughter of Late Parash Nath Singh (the original allottee). He further submitted that he has already filed his representation before the Managing Director-cum-Competent Authority under Section 59 of the Bihar State Housing Board Act for removal of such encroachment caused by respondent no.6 in common area and further for cancellation of the allotment. The representation was filed in the year, 2019, but till date no action has been taken by the Respondent.

Sri Pawan Kumar, learned counsel appearing for the Respondent Bihar State Housing Board submitted that a direction be issued for removal of encroachment in accordance with law after considering the representation dated 15.11.2019.

In view of the statement made by learned counsel appearing on behalf of the Managing Director, Bihar State Housing Board, this Court directs to verify from the record whether any action has already been taken on the representation filed by the petitioner with respect to removal of the alleged encroachment made in common area. In case, the encroachment has not been removed, then in that case he may proceed to



remove the encroachment in accordance with law within a period of three weeks from today without being prejudiced by his earlier order, if any. If required he may also proceed to cancel the allotment of the encroacher in accordance with law by passing reasoned order.

With the above observations and directions, the writ petition filed on behalf of the petitioner stands disposed of.

(Purnendu Singh, J)

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