

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18772 of 2021

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Satyendra Narayan Singh Son of late Devnandan Singh Resident of LIG.
13/460, Hanuman Nagar, Kankarbagh, P.S. Patrakaarnagar, P.O. Lohiya
Nagar, Distt Patna- 800020.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Bihar State Housing Board through its Secretary.
3. The Managing Director Cum Chairman Bihar State Housing Board, Patna.
4. The Executive Engineer Bihar State Housing Board, Division- 1 Patna.
5. The District Magistrate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Atul Kr. Mehta, Advocate
	:	Mr. Soshmita Singh, Advocate
For the Respondent/s	:	Mr.Abbas Haider (SC 6)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 12-04-2023 The present petition has been filed seeking the
following reliefs :-

“(i) For issuance of appropriate writ in the nature of mandamus seeking direction for the respondents to take immediate action against Encroachers/ grabbers of L.I.G (Lower Income Group) flats bearing Number - L.I.G-13/451, L.I.G-13/457, L.I.G-13/458 situated at Hanuman Nagar Housing Colony, Division -1, Patna who, by violating the terms of the respondent Board agreement, had made pukka construction over set back area and front area of flats



and against whom, on earlier occasions, notices were issued by the Board for removal of encroachment but encroachments were not removed and they still exist and thus they are liable for removal.

(ii) For issuance of appropriate writ in the nature of mandamus seeking direction to respondents to take immediate action for removal of illegal occupants of L.I.G (Lower Income Group) flats bearing Nos - L.I.G- 13/451, L.I.G- 13/457, L.I.G 13/458 situated at Hanuman Nagar, Patna, who without any authority of law, entered in the flats forcibly and upon local inspection made by Board, they were detected as unauthorised occupants of flats, but even after Identification of the grabbers of Flat concerned, respondents are not taking any actions against them.”

At the outset, the learned counsel for the respondent- Bihar State Housing Board has submitted that Eviction case no. 07 of 2022, Eviction case no. 11 of 2022 and Eviction case no. 10 of 2022 have already been initiated for removing the encroachment in question. It has also been submitted that as far L.I.G. Flat no. 13 of 451 is concerned, which belongs to one Maheshwar Narayan Sinha, stay order is



operating in a writ petition filed by him, however, the said fact is rebutted by the learned counsel for the petitioner, who has produced an order ***dated 24.01.2023***, passed by a co-ordinate Bench of this Court in ***C.W.J.C. no. 2820 of 2016 (Maheshwar Narain Sinha v. The State of Bihar and others)***, to contend that the said writ petition has already stood disposed off with the following directions :-

“ 4. Ms. Sushmita Singh, learned counsel has intervened in this case by filing Interlocutory Application No. 1 of 2021 and she agitated the matter before this Court making allegation against the petitioner that had not abided by the terms and conditions of the allotment letter, which has caused much inconvenience to the inhabitant of the housing Board. She has specifically stated that she resides in Flat No.460 of L.I.G. 13 in same block. She further submitted that appropriate authority must conduct physical inspection, in presence of the parties, and if it is found that the allegation made by the petitioner and other inhabitant are true, in that case, the Managing Director of the Board may be directed to conduct physical inspection and send a copy of the same to District Magistrate, Patna is to proceed in accordance with law after giving



opportunity of hearing to the parties once it is found that the inhabitants of the apartment are facing any inconvenience by the act of the parties, who are present before the Court.

5. The Managing Director of the Board is directed to conduct physical inspection of the flat in question personally and if it is found that any of the inhabitants are causing inconvenience to the other occupants, he must proceed in accordance with law within a period of six weeks. All such exercise must be completed within a period of six weeks both by the Managing Director and District Magistrate, Patna.”

In view of the aforesaid, the learned counsel for the respondent- Housing Board has submitted that appropriate action shall be taken in accordance with law, against the occupant of the L.I.G. Flat no. 13 of 451, situated at Hanuman Nagar, in case, encroachment has been made.

It is further directed that all the encroachments made by the encroachers in the various L.I.G. Flats situated at Hanuman Nagar Housing Colony, Patna shall be removed/ cleared by taking recourse to the due process of law, for which the Managing Director- Cum- Chairman, Bihar State



Housing Board, Patna shall be responsible. The said exercise should be completed within a period of six months from today.

The writ petition stands disposed off with the aforesaid directions.

(Mohit Kumar Shah, J)

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