

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16454 of 2022

=====

Pawan Kumar Singhanian, Son of Jiyanand Singhanian, resident of Flat No. 301, Ashray Rukmini Apartment, Chimni Ghat, P.O. Jhauganj, P.S. Chauk Kalan, Circle- Patna City, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna.
2. The Additional Chief Secretary Department of Revenue and Land Reforms, Government of Bihar, Main Secretariat, Patna.
3. The Additional Chief Secretary, Department of Home, Government of Bihar, Sardar Patel Bhawan, Patna.
4. The Collector-cum- District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Superintendent of Police (East), Patna.
7. The Sub- Divisional Magistrate, Patna City, Patna.
8. The Deputy Collector Land Reforms, Patna City, Patna.
9. The Sub- Divisional Police Officer, Patna City, Patna.
10. The Circle Officer, Patna City, Patna.
11. The Station House Officer, Chowk Police Station, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner has filed the instant application for the
following relief(s):-

*“That this is an application for grant of
appropriate writ(s), order(s), direction(s), to the
respondents for removal of obstructions put up on
the land of the petitioner existing on west side of*



M.S. Plot No. 486 & 487 (part) belongs to seat no. 242, Circle No. 180, Ward No. 66/5/51/32/26 situated at Mohalla- Jhauganj, Ghat Lane, which is adjacent to Corporation Gali/ House Gali under the P.S.-Chowk, Circle- Patna City in the district of Patna. And also for directing the respondents to maintain the mandate of order dated 16.02.2017 passed by Sub- Judge- VIth, Patna City, Patna in Title Suit No. 259 of 2012 whereby and whereunder learned said court has been pleased to directing the concern persons / respondents to maintain status-quo upon the above mentioned subject land/ Corporation Gali. public way

And any other appropriate writs, order(s), direction(s) which your Lordships may deem fit and proper.”

It is submitted by learned counsel for the petitioner that as a result of obstructions put up by certain individuals, not only the private land of the petitioner was disturbed/encroached upon but even the municipal *gali*/lane used by the public at large including the petitioner herein has been encroached and consequently disturbed.

Learned counsel for the petitioner submits that so far as the disturbance on the private land of the petitioner is concerned, the petitioner filed Title Suit no.259 of 2012 in the Court of learned Sub-Judge-VI, Patna City, Patna wherein order of status-quo has already been passed and the petitioner is



pursuing the said suit. Learned counsel further submits that so far as the instant application is concerned, he has filed this case for direction to the respondents to remove the obstructions from the general *gali*/lane of the municipality.

On perusal of the material on record, it transpires that by an order dated 20.12.2022, while granting time to the State for filing counter affidavit, this Court had also directed the Station House Officer, Chowk Police Station, Patna to look into the matter and act as per the order dated 16.2.2017 passed by the Sub-Judge-VI, Patna City in Title Suit no.259 of 2012.

Although no counter affidavit has been filed, it goes without saying that in case any petition is filed by the petitioner, the Station House Officer, Chowk Police Station, Patna will look into the matter and act as per the Court's direction.

Further so far as the municipal *gali*/lane is concerned, in case there is any obstruction put up by any individual, the petitioner will be at liberty to file appropriate representation before the concerned Station House Officer, Chowk Police Station, Patna who will also look into the matter and take appropriate steps in accordance with law.

Besides the above, the petitioner will also be at liberty to file an appropriate application under the Bihar Public Land



Encroachment Act before the authority concerned, which if filed, will be registered and taken to its logical conclusion at the earliest preferably within a period of six months of its filing.

The writ application stands disposed of.

(Partha Sarthy, J)

avinash/-

U			
---	--	--	--

