

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3217 of 2021

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Geeta Bharti wife of Sri Rajesh Kumar Resident of House No. 1201,
Radhakrishna Colony, Phulwarisharif, District- Patna at present residing at
Road No. 1, Radhakrishna Colony, Near Beur More, P.S. Beur, Anisabad,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Patna Municipal Corporation, through its
Municipal Commissioner, Budh Marg, Patna.
2. The Chief Executive Officer, Patna Municipal Corporation New Capital
Circle, Harding Road, Quarter No. 10, Patna.
3. The Executive Officer, Patna Municipal Corporation New Capital Circle,
Harding Road, Quarter No. 10, Patna.
4. Chandrika Prasad, Son of Late Prakash Chandra @ Prakash Prasad Resident
of Radha Krishna Colony, Road No.- 1, near Beur More, Police Station-
Beur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Rai, Advocate
For the PMC	:	Mr. Sanjay Prakash Verma, Advocate
For the State	:	Mr. Abbas Haider, SC

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

10 18-03-2024 Heard the parties.

2. The petitioner has moved the Court for the
following reliefs:

*“That, this is an application
praying for issuance of a Writ of Certiorari or
any other appropriate writ, order, or direction
quashing the Notice as contained in Letter No.
133 dated 19/01/2021 (ANNEXURE- 3) issued
under the signature of Respondent No. 3*



directing the Petitioner to remove the encroachment from 20 Ft. Road of Roshan LalSahkari Grih Nirman Sahyog Samiti Limited, Patna within 72 hours from the receipt of the said Notice.”

5. It is an admitted position that a complaint was filed by the respondent no. 4 directly in the Permanent Lok Adalat, Patna against the Patna Municipal Corporation and S.D.O., Sadar and an order has been passed by the Permanent Lok Adalat directing the Patna Municipal Corporation to remove the encroachment from the road. This kind of dispute is not maintainable in a Permanent Lok Adalat and it appears that the respondent no. 4, who is a retired D.I.G. is trying to get orders from an authority which has no jurisdiction to pass such orders.

6. It is an admitted position that the jurisdiction of Permanent Lok Adalat can never be for directing the removal of encroachment. If the respondent no. 4 wanted removal of encroachment then he could have approached appropriate authorities under law i.e., the Patna Municipal Corporation/ the Circle Officer/ the Sub Divisional Magistrate for removal of encroachment. The impugned order dated 20.12.2019 is wholly without jurisdiction.

7. Accordingly, this application is allowed.



8. The impugned order dated 20.12.2019 and the consequential notice issued by the Executive Officer, New Capital Circle, Patna dated 18.01.2021/19.01.2021 are hereby quashed.

(Sandeep Kumar, J)

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