

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3876 of 2021

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1. Narendra Kumar Sinha Son of late Bachu Narain Sinha Resident of Narayan Bhawan, Road No.1, Mahavir Colony, P.S.- Beur, District- Patna.
 2. Sushila Sinha Wife of Narendra Kumar Sinha Resident of Narayan Bhawan, Road No. 1, Mahavir Colony, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Law Department, Govt. of Bihar, Patna.
2. The Bihar State Legal Service Authority, Patna through its Secretary, in front of Patna Museum, P.S.- Kotwali, District- Patna.
3. The Permanent Lok Adalat, Patna, through its Secretary, District Legal Service Authority, District- Patna.
4. The Patna Municipal Corporation, through the Municipal Commissioner, Maurya Lok, Patna.
5. The Executive Officer, Nutan Capital Circle, Harding Road, Quarter No.10, Patna.
6. Chandrika Prasad son of Late Prakash Chand @ Prakash Prasad, Resident of- Radha Krishna Colony, Road No. 1, near Beur More, P.S.- Beur, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashank Chandra, Advocate
For the PMC	:	Mr. Shanjay Prakash Verma, Advocate
For the State	:	Mr. Abbas Haider, SC

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 18-03-2024

Re.: Interlocutory Application No. 2 of 2021

The present interlocutory application has been filed for substitution of heirs and legal representatives of petitioner no. 1 who died during the pendency of the present application.

2. For the reasons mentioned in the interlocutory application, it is allowed. Let the heirs and legal representatives of the petitioner no. 1 as mentioned in paragraph 2 (b) thereof,



be substituted in his place and the name of the petitioner no. 1
be expunged from the array of the parties.

Re.: C.W.J.C. No. 3876 of 2021

3. Heard the parties.

4. The petitioners have moved the Court for the
following reliefs:

“That this is an application praying for issuance of a Writ in the nature of a Writ of Certiorari, or any other appropriate Writ order, direction, for quashing the ex-parte Award dated 20.12.2019 in P.L.A. Case No.89 of 2019 (Annexure5), passed by the Permanent Lok Adalat, Patna and the Notice dated 18.01.2021, issued under the signature of Respondent No.5 (Annexure 6). By the impugned Award dated 20.12.2019, the Permanent Lok Adalat, Patna, on the basis of an Application filed by the Private Respondent No.6 has directed the Respondent No.5 to remove the encroachment on the 20 feet wide road, running from west to east, situated at Radha Krishna Colony, Road No.1, Near Beur More, P.S. - Beur, District - Patna, within 2 months from the date of the order; further by the impugned Notice dated 18.01.2021, the Respondent No.5 on the basis of the aforesaid direction of Permanent Lok Adalat, has directed the Petitioners to remove the encroachment over the 20 feet road left by Raushan Lal Sahkari Grih Nirman Samiti within 72 hours of receipt of the copy of the notice, failing which appropriate legal proceedings under Bihar Municipal Manual, would be initiated and the structure would be demolished and the cost of demolition would be recovered from the Petitioner. The Petitioners further prays from a consequential Writ of Mandamus commanding the



Respondents particularly the Respondent No. 4 and 5, not to take any coercive steps in pursuance of the aforesaid direction of the Permanent Lok Adalat contained in Award dated 20.12.2019 and to act strictly in accordance with law.”

5. It is an admitted position that a complaint was filed by the respondent no. 6 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. 6, 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. 6 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 Patna Municipal Corporation dated 18.01.2021 are hereby quashed.

(Sandeep Kumar, J)

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