

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6940 of 2020

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Rubi Devi, wife of Rakesh Kumar Singh @ Rakesh Kumar, resident of Tilak Nagar, Rukunpura, P.O.- Bihar Veterinary college, P.S. Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Patna.
2. The Principal Secretary, Road construction Department, Bihar, Patna.
3. The Executive Engineer, Work Circle, Road Division, Patna.
4. The Patna Municipal Corporation through Town commissioner, Buddh Marg, Patna.
5. The Town Commissioner, Patna Municipal Corporation, Budh Marg, Patna.
6. The Circle Officer, Danapur.
7. The Revenue Karamchari, Rupaspur, Danapur.
8. Shashi Sharma, son of late Ajay Vishwakarma, resident of Ved Nagar, Rukunpura, P.S. Rupaspur, District- Patna.
9. Aman Kumar, son of late Ajay Vishwakarma, resident of Ved Nagar, Rukunpura, P.S. Rupaspur, District- Patna.
10. Shubham Kumar, son of late Ajay Vishwakarma, resident of Ved Nagar, Rukunpura, P.S. Rupaspur, District- Patna.
11. Jyoti Kumari, D/o- late Ajay Vishwakarma, resident of Ved Nagar, Rukunpura, P.S. Rupaspur, District- Patna.
12. Renu Devi, wife of late Ajay Vishwakarma, resident of Ved Nagar, Rukunpura, P.S. Rupaspur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the State : Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 30-10-2024 The present writ petition has been filed seeking the following reliefs:-

“i. For issuance of an appropriate writ/s, order/s, direction/s to the respondents not to demolish the



construction of Hotel R.P. International, made over Mauza- Rukunpura, Mohalla-Ved Nagar, Thana-Rupuspur, Thana No.18, Tauzi No.5281, appertaining to Khata No. 128, Survey Plot No.437, admeasuring an area of 504 Sq.ft., which has been marked by red ink by the Corporation for demolition, during the encroachment drive.

(ii) For issuance of an appropriate writ/s, order/s, direction/s for quashing the notice issued in connection with Encroachment Case No.9/2019- 2020 (without any date), by the respondent Circle Officer, Danapur, for removal of encroachment, whereby the petitioner has been directed to appear on 26.02.2020, though the name of the property mentioned therein is correct but the plot no. has been wrongly shown as 430 (Pain). The petitioner is a title holder of the land in question, purchased vide registered sale deed on 04.01.2019, after paying the consideration money but now without issuing any notice or show cause (though notice has wrongly been issued which cannot be treated to be valid notice), the authority of the corporation have put red mark on the premises of the petitioner for demolition under the garb of removing encroachment.

iii. For issuance of an appropriate writ/s, order/s, direction/s to the respondents that till an opportunity of hearing is given to the petitioner to explain about her right, title and interest in the property in question, the corporation should not demolish the hotel constructed on the said land.”



2. At the outset, the learned counsel for the respondent-State submits that the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 has not yet been passed, in connection with Encroachment Case No.09 of 2019-2020, however, the petitioner may file her objection before the respondent no.6, i.e. the Circle Officer, Danapur, whereupon the respondent no.6 shall pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956.

3. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file her objection before the respondent no.6 in the aforesaid encroachment proceedings, however, seeks some protection during the interregnum period. Liberty so sought is granted.

4. It is needless to state that the petitioner shall be at liberty to file her objection before the respondent no.6, within a period of four weeks from today, whereupon the respondent no.6 shall pass the final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No.09 of 2019-2020, forthwith and till then, no coercive action shall be taken against the petitioner.

5. It is clarified that in case no objection is filed by the petitioner, within a period of four weeks from today, the



respondent no.6 shall be free to pass the final order under
Section 6(1) of the Bihar Public Land Encroachment Act, 1956,
ex parte.

6. The writ petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

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