

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1971 of 2015

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Santosh Tiwary, Son of Sri Narvdeswar Tiwary @ Shodhan Tiwary, Resident of Village- Chandwa, P.S- Ara Nawada, District- Bhjpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Managing Director, Bihar State Housing Board, Sardar Patel Marg, Patna.
3. The District Magistrate, Bhojpur.
4. The Bhusampada, Padadhikari, Bihar State Housing Board, Sardar Patel Marg, Patna.
5. Ramesh Yadav, Son of Late Ugan Yadav
6. Rajneesh Yadav @ W. Yadav, Son of Late Ugan Yadav
Both resident of Village- Chandwa Dalpatpur. P.S- Nawada, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. S.K. Sharma, GA- 1
For the Board	:	Mr. Ram Kishore Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 01-03-2024

The present writ petition by way of Public Interest Litigation has been filed seeking a direction upon the respondent authorities to enquire into the irregularities being adopted in administration of Bihar State Housing Board, Patna.



2. It has been informed to this Court that the Bihar State Housing Board had acquired land situated at Ara Mauza, Dalpatpur Ara, Thana No.235, P.S. Ara, District Bhojpur since long back and compensation has also been paid to the owner of Raiyati land much earlier. The Board has also issued a certified plan of land for construction over acquired land. However, despite the aforesaid facts now the authorities of the Board are sitting idle and taking undue benefit of the same, apart from indolent attitude of the Board, the private respondents have been consistently encroaching upon the land in order to grab the same.

3. Admittedly, from the record and the averments made therein, it appears that the land belongs to the Board after acquisition of the same and it is the Board, who is the competent authority to initiate a proceeding for removal of encroachment, if any, under appropriate Act/Rules after taking appropriate recourse.

4. Moreover, the present matter is of 2015, which once stood dismissed for non-prosecution on 20.09.2016 and thereafter the writ petition was restored on 04.07.2022. However, when the matter was taken up today too, there is none to represent the petitioner. Besides the aforesaid facts, this Court does not find any material showing involvement of public



interest.

5. Accordingly, the present writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

