

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9879 of 2024

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Mohammad Elyas Son of Late Sheikh Abdul Ghaffar, Resident of 21(Old), 16 (New) Polo Square, Danapur Cantt, P.O and P.S - Danapur Cantt, District - Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Defence, Government of India, New Delhi.
2. The Principal Secretary, Ministry of Defense, Government of India, New Delhi.
3. The Secretary, Ministry of Defense, Government of India, New Delhi.
4. The Deputy Secretary, Ministry of Defense, Government of India, New Delhi.
5. The Estate Officer, Jharkhand and Bihar Circle, Danapur Cantonment, Danapur, Patna.
6. The Danapur Cantonment Board, through its Chief Executive Officer, Jharkhand and Bihar Circle, Danapur, Patna.
7. Om Prasad Shah, Son of Late Ram Narayan Lal Shah, Resident of Danapur Sadar Bazar, Danapur Cantt, P.S- Danapur Cantt, District - patna.
8. Smt. Amiyo Bala Nandi, Wife of Late Rabindra Nath Nandi and Daughter of Late Prabhod Kumar Ghosh, Resident of 21 Polo Square, Danapur Cantt, P.O and P.S - Danapur Cantt, District - Patna.
9. Smt. Pushpa Monahan, Wife of Sri Jagdishan Monahan, Resident of 21(Old), 16 (New) Polo Square, Danapur Cantt, P.O and P.S - Danapur Cantt, District - Patna.
10. Sri Jagdishan Monahan, Son of Late Senthil Vel Mathuramuttu, Resident of 21(Old), 16 (New) Polo Square, Danapur Cantt, P.O and P.S - Danapur Cantt, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s :

Mr. Anis Akhtar, Adv.

Mr.Nadimul Hasan, Adv.

For the Respondent/s :

Mr. Amarendra Nath Verma, Sr. Panel Counsel

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-07-2024 The present writ petition has been filed seeking the following reliefs:-



“1(A). For issuance of an appropriate writ order or direction setting aside the order dated 16-04-2024 (Annexure- P/4) passed by Estate Officer, Jharkhand & Bihar Circle, Danapur Cantonment Danapur, Patna whereby by exercising the power under sub-section (1) of section 5 & sub-section (1) of section 5-B of the Public Premises (Eviction of unauthorized Occupants) Act 1971, petitioner has been declared as unauthorized occupant who has made unauthorized construction over the area measuring 6624.75 sqft consists of room, kitchen, toilet, stairs etc. of size 20'-03"x93'-0"=1883.20 sqft, 48'-0"x31'-6"=1512.00 sqft, 6'-06"x15'-0"=97.50 (pucca house) and hall of 48'-0"x65'-3"-3132.00 sqft (pucca house) has been declared to have been made on defence land located within GLR Sy No.-230, Danapur Cantonment with boundary East- Sy No.-251, West- Sy No.-323, North- Sy No.-323 (Road), South- Sy No.- 252 and direction has been issued to demolish the said portion of unauthorized construction of residential house of petitioner.

(B). For issuance of an appropriate writ order or direction directing the respondents to rehear the petitioner, consider the show cause reply filed by petitioner along with supporting documents of his title, possession including sale deeds, power of attorney, will etc. executed by rightful owners which has not been considered by authorities



while passing the order dated 16-04-2024 by Estate Officer, Jharkhand & Bihar Circle, Danapur Cantonment Danapur, Patna.
(C). For issuance of an appropriate writ order or direction directing the respondents not to disturb the possession of petitioner over his residential house in which petitioner is residing along with his family.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file appropriate appeal under Section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, however, seeks some protection during the interregnum period. Liberty, so sought, is granted.
3. It is needless to state that for a period of four weeks from today, status quo, existing as on today qua the land / house of the petitioner in question, shall be maintained, in order to enable him to file appropriate appeal and seek interim relief.
4. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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