

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10867 of 2024

Devendra Kumar Singh Son of Late Pratap Narayan Singh Resident of Singh House 539/1, Pratap Bhawan, P.S. Shastrinagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Urban Development Deptt. Govt. Of Bihar, Patna.
2. The Principal Secretary Urban Development Department Government of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The Collector, Patna, District- Patna.
5. The Sub-Divisional Officer, Patna Sadar, District- Patna.
6. The Circle Officer, Patna Sadar, District- Patna.
7. The Patna Municipal Corporation, Patna, through Municipal Commissioner, Patna.
8. The Municipal Commissioner, Patna Corporation, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Satyendra Kumar Singh, Advocate
For the State	:	Mr. Kapileshwar Prasad Yadav,GP-11
		Mr. K. N. Jha, AC to GP-11
For PMC	:	Mr. Prasoon Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-08-2024 The present writ petition has been filed seeking the following reliefs:-

“1. (i) For issuance of an appropriate writ, order, direction to quash letter No.15320 dated 18.12.2023 issued by Municipal Commissioner, Patna Municipal Corporation, Patna addressed to the District Magistrate Patna by which District Magistrate, Patna has been requested by Municipal Commissioner, P.M.C. to remove the encroachment from Karpoori Bhawan Road, Plot No. 996, 995, Mauza- Sheikhpura, Thana No. 9, Mohallah-



Sheikhpura.

ii) For issuance of an appropriate writ, order, direction that respondent no. 8 is himself authorized under the provisions of Bihar Municipal Act 2007 to remove any encroachment alleged in his letter dated 18.12.2023 but he has got no power to delegate his own power either in favour of D.M. of the District or in favour of any subordinate to the D.M. of the District hence the aforesaid letter is without jurisdiction.

iii) For issuance of an appropriate writ, order, direction to quash entire proceeding of encroachment case no. 50/2023-24, initiated before Circle Officer, Sadar Patna for removal of encroachment from C.S. Plot No. 996 and C.S. Plot No. 995 and notice has been issued to the petitioner without considering the change made in the nature of land prior to fifty years age.

iv) For issuance of an appropriate writ, order, direction to quash the notice dated 24.01.2024 issued by Circle Officer, Patna Sadar Patna by which the petitioner has been asked to file show cause reply why encroachment made on C.S. Plot No. 996, Mauza- Sheikhpura, Thana No. 9 may not be removed.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to appear before the Circle Officer, Patna Sadar, in connection with Encroachment Case No.50 of 2023-24 and file his objection/representation, including that for re-measurement of the land in question and



during the interregnum period seeks some protection. Liberty so sought is granted.

3. It is needless to state that for a period of four weeks from today, no coercive action shall be taken against the petitioner in order to enable him to approach the Circle Officer, Patna Sadar for necessary relief.

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

(Mohit Kumar Shah, J)

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