

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16513 of 2024

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The Garib Uththan Kendra, Welfare and Charitable Trust Patna, Registration No.- 817/2018 through its Secretary Sanjay Kumar, aged about 50 years, Male, son of Late Bulkan Prasad @ Gulkand Prasad, resident of Ma Dulari Kunj, Bhavar Pokhar, Pakka Kua Ke Pichhe, P.S.- Pirabahore, District- Patna.
... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Urban Development and Housing Department, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Municipal Commissioner, Patna Nagar Nigam, Patna.
5. The Joint Municipal Commissioner, Patna Nagar Nigam, Patna.
6. The Executive Officer, Bankipur Anchal, Patna Nagar Nigam, Patna.
7. The Chairman, Bihar Religious Trust Board, Patna.
8. The Secretary, Bihar Religious Trust Board, Patna.
9. The Chief Councilor, Patna Nagar Nigam, Patna.
10. The In-charge Revenue Officer, Bankipur Anchal, Patna Nagar Nigam, Patna.
11. Sri Rahul Yadav, son of Sri Rajeshwar Gope, Ward Councilor of Ward No.- 39, resident of Mohalla- Bhanwar Pokhar, P.S.- Pirbahore, District- Patna.
... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Siyaram Shahi, Adv.
For the Respondent/s	:	Mr.Raghwanand, GA 11 Mr.Rajnish Shandilya, AC to GA 11
For the PMC	:	Mr.Prasoon Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 28-10-2024

In the instant petition, petitioner has prayed for the following relief(s):-

(i) For issuance of an appropriate writ in the nature of Mandamus commanding the responsible respondents for a direction to remove the illegal encroachment and illegal posses-



sion over Sai Silai Centre started by Garib Utthhan Kendra Welfare & Charitable Trust, Bhanwar Pokhar, Ward No.39, Anchal-Bankipur, Patna in which Sai Silai Centre was running into Bhanwar Pokhar Community Building at First Floor, where Free training of Sewing and Embroidery of 300 girls/women were being given and after training Girls/ Women had been starting self employment, but in illegal way the Executive Officer, Bankipur Anchal, Patna Nagar Nigam and Sri Rahul Yadav, Ward Councilor of Ward No. 19 captured the Sai Silai Centre and got closed since 21.02.2023 and has been running their own business.

(ii) For a direction to take suitable legal action against the Executive Officer of Bankipur Anchal, Patna Nagar Nigam who deliberately and illegally got vacated Sai Silai Centre situated at Bhanwar Pokhar, Ward No.39 in Community Building as the Respondent Nos. 6 and 11 taken away the entire sewing machines 200, and also tables, Benches, C.C.T.V. Camera, Fans etc.

(iii) For a direction to take appropriate action and to lodge an F.I.R. against the Executive Officer, Bankipur Anchal, Patna Nagar Nigam and also against Sri Rahul Yadav, the Ward Councilor of Ward No.39 of Patna Nagar Nigam who forcefully captured the Com-



munity Building and Sai Silai Centre which was being run by Garib Uththan Kendra Welfare & Charitable Trust, Bhanwrar Pokhar and Respondent Nos. 6 and 11 removed the Foundation stone and inauguration stone which was in the name of Sri Sushil Kumar Modi, the Deputy Chief Minister of Bihar, as the Building was constructed from the fund of Sri Sushil Kumar Modi, Deputy Chief Minister and in the Foundation Stone, name of Sri Sushil Kumar Modi was present as Sri Sushil Kumar Modi inaugurated the Community Building of Bhanwar Pokhar.

(iv) For a direction against Sri Rahul Yadav, Ward Councilor of Ward No.39 who in illegal way has established his business for giving the Community Building in the name of Marriage Ceremony, other social functions to the local people and has been taking huge amount and not even a single amount is being deposited into office of the Nagar Nigam, Patna and besides it, electric connection of Garib Uththan Kendra Welfare & Charitable Trust, Bhanwar Pokhar, Patna is being utilized without taking electric connection on the day of function of marriage ceremony and other social functions.

v) For a direction to make an enquiry against the Executive Officer, Bankipur Anchal, as well as Sri Rahul Yadav, the Ward Councilor



of Ward No.39 of Patna Nagar Nigam.

(vi) For a direction to remove the illegal possession into Sai Silai Centre which was at Bhanwar Pokhar into Community Building at First Floor and for a direction to hand over Sai Silai Centre as well as 200 Sewing machines, Tables, Benches, Fans and other items, because the community building was allotted to Garib Uththan Kendra Welfare & Charitable Trust, Bhanwar Pokhar, Ward No.39 by the Executive Officer, Bankipur Anchal.

(vii) For any other relief/s for which the petitioner is found entitled to.

2. Learned counsel for the petitioner submitted that after registration of Garib Uththan Welfare & Charitable Trust (herein after referred as “ the Trust”), it started functioning in the name of Sai Silai Centre for the welfare of the poor female, children, widow, handicapped, under which training of Silai, teaching and other essential training was being given by trainer. It is submitted that after creating holding, the Trust has been paying holding tax for financial years 2016-17 to 2019-20, 2020-21, 2022-23, 2023-24. Learned counsel has given thrust upon the representation submitted by the petitioner before the Municipal Commissioner, Patna Municipal Corporation, Patna which has not been disposed of by the concerned authority,



though, it was filed two months before on 01.08.2024. It is submitted that petitioner is not encroacher of the building/land in question. Petitioner was given the building on rent and he paid rent regularly and whole purpose of the Trust was for the welfare and development and education of poor female, children, widow, handicapped etc. It is submitted that several dignitaries have participated in different programmes organized by the Trust. Petitioner has been thrown out of the said community building without any reason. No notice was served in advance. Learned counsel submitted that it is not expected from the authority concerned to remove the petitioner without any reason or notice when the whole purpose of the Trust was for the development of poorest of poor.

3. Learned counsel appearing for the Patna Municipal Corporation submitted that petitioner has approached this Court without any specific grievance as no order has been passed on the representation submitted by the petitioner. Moreover, the representation filed by the petitioner, which has been enclosed as Annexure-P/3 (series), does not bear any receiving by the concerned office. In the light of the aforesaid, the present writ petitioner is not maintainable. Learned counsel, however, submits that in case petitioner files a fresh representation, the same



shall be considered and disposed of as per law.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of both the parties, the present writ petition is disposed of with liberty to the petitioner to approach the authority concerned for redressal of his grievance, which has been thrust upon by the petitioner in the present writ petition, within a period of four weeks from the date of receipt of a copy of this order. The concerned authority is directed to consider and dispose of the representation/application of the petitioner as per law expeditiously, preferably, within a period of six months from the date of filing of representation/application by the petitioner.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	30.10.2024
Transmission Date	

