

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.630 of 2024

1. Bhagwant Mani Pathak Son of Late Chandu Vilas Pathak, Resident of Village and Post- Bishunpur Pakri, Police Station- Beur, District- Patna.
2. Satyendra Pathak, Son of Sri Bhagwant Mani Pathak, Resident of Village and Post- Bishunpur Pakri, Police Station- Beur, District- Patna.
3. Sanjay Kumar, Son of Late Ganesh Prasad, Residing at Mohalla- Changar, Near Devi Asthan, Ashok Nagar, Road No. 11, Post Office- Lohiya Nagar, Police Station- Kankarbagh, Patna- 8000020.
4. Ranjit Kumar, Son of Late Ganesh Prasad, Residing at Mohalla- Changar, Near Devi Asthan, Ashok Nagar, Road No. 11, Post Office- Lohiya Nagar, Police Station- Kankarbagh, Patna- 8000020.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Patna.
2. The Collector, Patna.
3. The Additional Collector Incharge Land Revenue, Patna.
4. The District Land Acquisition Officer, Hindi Bhawan, Chhajju Bagh, Patna- 800001.
5. The Circle Officer, Patna Sadar Anchal, Patna-800026.
6. The Chief of the Management, Bharat Petroleum Corporation Ltd., Bharat Bhawan 4 and 6 Karim Bhoy Road, Mallard Estate, P.B. No. 688, Mumbai- 800001.
7. The Territory Manager, Bharat Petroleum Corporation Limited, Sipara, Anisabad, Patna-800002.
8. Deputy Chief Manager, Bharat Petroleum Corporation Limited, Hong-Kong House 31, B.B.D. Bajri Kolkata-1.
9. The General Manager, Bharat Petroleum Corporation Limited, Sipara, Anisabad, Patna-800020.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mahendra Prasad Bhartee, Advocate
For the State	:	Mr. Sarvesh Kumar, GP-24
For BPCL	:	Mr. Siddhartha Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-08-2024 The present writ petition has been filed seeking the following relief:-



“1. That this Writ Petition has been filed for issuing a direction to the Authorities of Bharat Petroleum Corporation to execute Lease Deed in favour of the petitioners under Rehabilitation Scheme, as the petitioners' land had been acquired for the purpose of constructing approach road of Bharat Petroleum (Corporation).”

2. At the outset, the learned counsel for the parties are in agreement that the present writ petition can be disposed off in terms of the order dated 17.02.2014 , passed by a Co-ordinate Bench of this Court in CWJC No.9041 of 2005 (Upendra Sah & Ors. vs. the State of Bihar & Ors.) and analogous case, operative portion whereof is reproduced hereinbelow:-

“In above view of the matter, these writ applications are being disposed of without waiting further for filing of counter affidavit with the direction to the Territory Manager, Bharat Petroleum Corporation Limited, i.e., respondent no. 6, to submit the details regarding encroachment of the lands/plots which had been allotted in favour of the petitioners and other such persons to the respondent no. 2, i.e., the Collector, Patna, within a period of three weeks from the date of receipt/production of a copy of this order. The moment such detailed information is furnished by the respondent no. 6, the Collector, Patna will initiate a proceeding under the Bihar Public Land Encroachment Act 1956 for removal of such encroachment in accordance with after



being satisfied that the public land is under encroachment.

It is expected that the entire exercise would be brought to a logical conclusion within a period of four months from the date of such intimation/information given by the respondent no. 6.

However, it is made clear that reasonable opportunity should be given to all concerned in accordance with the provisions contained in the Statute before taking a final decision in the matter. COPYING

In case it is found by the Collector concerned that there is encroachment upon a public land and a proceeding is initiated and finally the encroachment is removed, in such case after removal of the same the respondent no. 6 would be required to immediately take steps for execution of the deed of lease in favour of the petitioners and other similarly situated persons after proper notice to them and deliver possession.

In case the Collector finds that the lands are not under encroachment or for any other reason refuses to proceed in the encroachment case on certain grounds to his satisfaction, then the affected person or persons would be at liberty to approach the competent authority in accordance with law.”

3. Accordingly, the present writ petition stands disposed off in terms of the aforesaid order dated 17.02.2014, passed in the case of Upendra Sah & Ors (supra) and the respondents are directed to act in similar terms. However, it is



made clear that the entire exercise should be completed, within
a period of six months from today.

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

(Mohit Kumar Shah, J)

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