
(1997) 03 PAT CK 0017
In the Patna High Court
Case No : CWJC No. 2477 of 1997

Kulanand Jha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 20-03-1997

Acts Referred:

Citation : (2005) 2 PLJR 376

Hon'ble Judges : Choudhary S.N. Mishra, J

Bench : Single Bench

Advocate : Dharendra Kumar Jha, for the Appellant; R.P. Singh, Ramesh Kumar Singh, Bishwajeet Singh, Rameshwar Prasad, Veena Kumari Jaiswal, Shashi Bhushan Kumar, for the Respondent

Judgement

Choudhary S.N. Mishra, J.—In this writ application, the prayer of the petitioner is for a direction to the respondent authorities not to demolish the house of the petitioner situated in Mohalla Salimpur Ahra, Daldali Road, Ward No. 5, Circle No. 9, Plots No. 714, 1193 and 1306 in the town of Patna. Learned Counsel for the petitioner submits that the petitioner has purchased some portion of the land, in question, in the year, 1940 and 1942, got the settlement of some portion of the land from Patna City Municipality, as it was then in existence. It is further stated that the constructions over the land, in question, have been made strictly in accordance with the sanctioned plan and no portion of the public land has been encroached by the petitioner, as alleged by the respondent authorities. It is further stated that a similar proceeding was initiated in 1988 and the same was dropped on the finding that no encroachment had been made by the petitioner of any portion of public land. Having regard to the relief sought for in this writ application, this Court is not in a position to pass any positive order. Accordingly, I direct the petitioner to file a representation alongwith the relevant documents in support of his claim before the respondent Vice-Chairman, Patna Regional Development Authority within two weeks, who will get the alleged encroachment measured by a competent person in presence of the petitioner and/or his representative and will dispose of the representation within two weeks thereafter

in the light of the measurement report and the documents that may be filed before him, after hearing the parties, in accordance with law by a speaking order. Pursuant thereto, if any encroachment is found, the petitioner shall be given, at first, an opportunity to remove the alleged encroachment to the extent found on such measurement within 48 hours therefrom, failing which the respondent authority shall remove the encroachment and the cost if any, shall be realised from the petitioner. Till then the status quo, as of today, shall be maintained. It is however, made clear that if the representation is not filed within the period, aforesaid, the respondent authorities shall proceed in the matter in accordance with law. This writ application is, accordingly, disposed of.