

(1998) 11 PAT CK 0049

In the Patna High Court

Case No : C.W.J.C. No. 2251 of 1998 and I.A. No. 12862/98

Mahavir Giri and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 10-11-1998

Acts Referred:

Citation : (1999) 1 PLJR 139

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Rajesh Singh and Narendra Kumar Singh, for the Appellant;
Chittaranjan Sinha, for State, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—Heard the counsel for the Petitioners and the counsel appearing on behalf of State. The case is being disposed of at this stage with the consent of the parties.

2. The Petitioners are displaced persons whose lands were acquired for construction of Ganga Bridge and steps were taken for rehabilitation.

3. According to the Petitioners, in accordance with law on payment of money by the Petitioners, the Respondents allotted different plots in favour of Petitioners at site No. 3A, 3B and 3C of Diwan Mohalla in Gulzarbagh, Patna City. Their grievance is that in spite of allotment of such land on payment, the possession has not yet been given in favour of Petitioners, though they have been displaced from their original land, as the allotted land has been encroached by some unauthorised persons.

4. It appears that some persons who were stated to be encroacher over the aforesaid allotted plots earlier moved before this Court in C.W.J.C. No. 9510/89 and C.W.J.C. No. 9010/95 but no relief was granted by this Court. The writ petitions were dismissed as withdrawn. Some other persons similarly situated like Petitioners also earlier moved before this Court in C.W.J.C. No. 3830/91 wherein this Court allowed their prayer on 17.3.93 and in pursuance of Court's

order, encroachments were removed in their cases. The Executive Engineer, Ganga Bridge Project, Division No. 3 has also written letters to the Petitioners and others to get the lands registered in their name but no step has been taken for removal of encroachment from the plots which have already been allotted to the Petitioners.

5. The counsel appearing on behalf of State submits that the matter will be looked into and appropriate step will be taken in accordance with law.

6. Having heard the counsel for the parties, according to me, the matter requires consideration by the District Magistrate, Patna at first instance.

7. Accordingly, the Petitioners are given liberty to move before the District Magistrate, Patna with prayer for removal of encroachment. In their applications, they will give details of lands allotted in their favour and, if possible, the name of persons who have encroached, with such land. If any one or other Petitioner files such application before the District Magistrate, Patna, the said authority after notice to the concerned persons, will pass a reasoned order. If one or other person is found to be encroacher over the lands/plots stated to be allotted in favour of Petitioners then it is needless to say that such encroachers are to be removed immediately. A decision in this respect be taken and encroacher, if any, be removed within a period of three months from the date of receipt of representation of the Petitioners.

8. The writ petition as well as I.A. stand disposed of with the aforementioned observations/directions.