
(2005) 05 PAT CK 0059
In the Patna High Court
Case No : CWJC No. 5862 of 2005

Mr. K.D. Chaterjee

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 06-05-2005

Acts Referred:

Citation : (2005) 3 PLJR 121

Hon'ble Judges : Nagendra Rai, Acting C.J.; S.N. Hussain, J

Bench : Division Bench

Judgement

1. The fact, which we are going to narrate is shocking one, that a boundary wall of Mr. K.D. Chaterjee (Jr.), Advocate, has been demolished by the Patna Regional Development Authority (in short, the PRDA) on the pretext of widening the road taking recourse to an order passed by this court in a different context. Admitted fact is that the lane in question where the house of Mr. Chaterjee, Advocate, situates is 198" in length & 16 to 18" in width and passes through the East Boring Canal Road and there also situates a plot No. 1079 on the north side of the lane owned by Dr. Nil Sinha and Satyadeo Prasad. It appears that said Dr. Nil Sinha and Satyadeo Prasad filed a petition before the Vice Chairman, PRDA on 7.3.2005 alleging that there are encroachments on both sides of the said lane by the peoples residing there including one by Mr. Chaterjee, Advocate. They also stated in their petition that they filed an affidavit earlier to remove the unauthorized boundary walls to make the lane upto the width of 20". Thereafter, it appears that Dr. Nil Sinha and Satyadeo Prasad submitted a map before the PRDA for construction of a multi storied building on plot No. 1097, which was signed by Dr. Nil Sinha and Satyadeo Prasad and others wherein the width of the lane was shown 6 meters but it was not 6 meters. On the basis of the said false statement, employees of the PRDA and aforesaid Dr. Nil Sinha and Satyadeo Prasad entered into a conspiracy and got the boundary wall of Mr. Chaterjee, Advocate, demolished. The connivance of the staff of the PRDA is clear from perusal of the file which has been produced by the Vice Chairman, PRDA.

2. I must say at this stage that in this matter credit goes to the Vice Chairman, PRDA, who on being informed about such highhandedness act immediately rushed at the spot and begged apology to the affected persons for the said highhandedness act of the staff of the PRDA and thereafter a step has been taken to reconstruct the boundary wall of Mr. Chaterjee, Advocate.

3. The fact remains that such type of highhandedness that has been done in the case in connivance with Dr. Nil Sinha and Satyadeo Prasad and staff of the PRDA is shocking to the conscience of the court. If no strict action is taken immediately in the matter then that will give an impression amongst the public that law breakers and perpetrators have hay day in this State.

4. We inquired about the officers who have hands in the said matter of demolition. The Vice Chairman, PRDA, informs the court that out of them two, namely, Anil Kumar Sinha and Basisth Narayan, both engineers, belong to the Road Construction Department and they are on deputation in the PRDA as an Executive Engineer and the Assistant Engineer.

5. The Secretary, Road Construction Department, Government of Bihar, who is present in the court, after having informed about the said highhandedness act assures the court that immediately their services will be called to their parent department and action will be taken against them immediately after receipt of the report from the Vice Chairman, PRDA, Patna. Once the order is passed by the Secretary they should be immediately relieved by the Vice Chairman, PRDA, and in case they create any trouble, the Senior Superintendent of Police, Patna, is directed to immediately arrest them and produce before the court of the Chief Judicial Magistrate, Patna for disturbing the functioning of the offices.

6. The Vice Chairman, PRDA, Patna is also directed to make a detailed inquiry into the whole affairs and fix the responsibility of the other persons involved in the matter so that an appropriate action may be taken. This would be one of such cases where after inquiry the court may consider the question of instituting a criminal case for the aforesaid highhanded acts of the concerned persons.

7. Put up this case on Thursday (12.5.05). By that time the inquiry report will be submitted to this court.

8. In the meantime, the Vice Chairman, PRDA, Patna will himself go through the map submitted by Dr. Nil Sinha and Satyadeo Prasad and pass an order in accordance with law. Let a copy of this order be given to the Counsel for the State AAG 2 and the PRDA.