

## Dhananjay Kumar Singh Vs State Of Bihar And Others

**Court:** Patna High Court

**Date of Decision:** June 11, 2020

**Hon'ble Judges:** Vikash Jain, J

**Bench:** Single Bench

**Advocate:** Puneet Siddhartha, Sajid Salim Khan

**Final Decision:** Disposed Of

### Judgement

Vikash Jain, J

1. This matter has been taken up for hearing through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by

the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be

made, without delay immediately after the lockdown ends, and in any event within one month thereof. Learned counsel for the respondents states that

he has no objection in this regard and the matter be taken up on merits in view of the stated urgency.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition --

Ã¢â¬Åi) To direct the respondent authorities to stop demolition of property/building/house of the petitioner in Thana No. 124, Khata No. 244 and Khesra

No. 1069 situated at Mauza Sonagopalpur, Village and P.O. Gopalpur, Anchal Sampatchak, District Patna;

ii) To direct the respondent authorities to produce all the documents related to land acquisition proceedings or encroachment proceedings, if any, done

against the land/property/building of the petitioner;

iii) To direct the respondent authorities to abstain from any demolition work in relation to the property of the petitioner during the pendency of this

case;

iv) To direct the respondent authorities to not initiate any encroachment proceedings or land acquisition proceedings during the subsistence of deadly

pandemic created by Covid-19 virus;

v) To direct the respondent authorities to maintain peace and harmony amongst the citizens residing at Sampatchak, Patna and ensure that no citizen is

rendered homeless and vulnerable to the infection of Covid-19 virus which could be created by demolition of their houses;

vi) To take appropriate actions against the erring respondents for committing misdeeds, misdemeanor and illegality, particularly for keeping the

petitioner in mental distress and harassment;

vii) To direct for payment of compensation to the petitioner if it is found that the land/property/building has been demolished without proper acquisition

or encroachment proceedings;

viii) To any other relief/s to which the petitioner is found entitled to.

3. At the outset, learned SC-25 Mr. Sajid Salim Khan appearing on behalf of the respondents states on instruction that the house of the petitioner has

not been touched and demolition proceedings are being conducted in respect of other properties in the area. No notice has yet been issued to the

petitioner with respect to the demolition of his house and as such the present writ petition is premature. Moreover, as stated in para 11 of the writ

petition itself, the petitioner had filed writ petition in CWJC No. 25523 of 2019 when the house and property of the petitioner was marked in the month

of June, 2019, in which the State was directed to file counter affidavit and which is still pending.

4. Learned counsel for the petitioner submits that in view of demolition work having been started in the locality, there is real apprehension that the

petitioner's house and property which had already been marked earlier may also be demolished.

5. Heard the parties. It is not in dispute that no notice has been received by the petitioner in connection with demolition of his house and property. It is

also not in dispute that the legality of the markings made has been questioned in CWJC No. 25523 of 2019 which is pending and in which a counter

affidavit from the State has been called for. It has further been stated in para 13 of the writ petition that the petitioner and other raiyats of the area

have filed representations in June, 2019 before the respondent authorities, which are also said to be pending.

6. In the above view of the matter, this Court is of the view that it will suffice if the Principal Secretary, Road Construction Department, Government

of Bihar, Patna (Respondent No. 5) is directed to consider and dispose of the representation of the petitioner, if still pending, in accordance with law,

after grant of an opportunity of hearing to the petitioner, within a period of two weeks from today.

7. It is made clear that in view of the ongoing lockdown and Covid-19 pandemic, any correspondence between the parties may be made through email

and that the concerned authority shall be at liberty to hear the petitioner through video conference. To enable the same, the petitioner undertakes to

furnish his mobile number and e-mail ID to learned S.C. 25 not later than by Saturday, i.e. 13.06.2020, for its onward transmission to the concerned

authority.

8. The petitioner is always at liberty to file an Interlocutory Application for appropriate relief in the pending CWJC No. 25523 of 2019, if so advised.

9. In the meantime and until disposal of the representation as aforesaid, the interim order dated 09.06.2020 passed by this Court shall continue.

10. The writ petition stands disposed of with the aforesaid observations and directions.

11. Office shall ensure that all defects have been removed and compliance with the notices of this Court has been made, within the stipulated time as

provided in para 1 hereinabove.