

Patna High Court - Orders

Ram Nandan Prasad vs The State Of Bihar & Ors on 3 March, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CWJC No.4582 of 2010

1. RAM NANDAN PRASAD S/O LATE RAM CHANDRA PRASAD R/O  
MOH.- RIKABGANJ, P.O. & P.S.- TEKARI, DISTT.- GAYA

Versus

1. THE STATE OF BIHAR, THROUGH THE SECRETARY OF URBAN  
DEVELOPMENT GOVT. OF BIHAR, PATNA

2. THE SECRETARY DEPTT. OF REVENUE AND LAND REFORMS,  
GOVT. OF BIHAR, PATNA

3. THE COLLECTOR GAYA

4. THE SUB DIVISIONAL OFFICER TEKARI, GAYA

5. THE CIRCLE OFFICER-CUM-EXECUTIVE OFFICER NAGAR  
PANCHAYAT, TEKARI, GAYA

6. RAMASHISH SHARMA S/O LATE LAXMI NARAIN SINGH R/O  
MOH.- RIKABGANJ, P.O. & P.S.- TEKARI, DISTT.- GAYA

7. MALTI DEVI W/O SIDHI SINGH R/O MOH.- RIKABGANJ, P.O. &  
P.S.- TEKARI, DISTT.- GAYA

8. BRIJNANDAN SINGH S/O LATE CHHOTAN SINGH R/O MOH.-  
RIKABGANJ, P.O. & P.S.- TEKARI, DISTT.- GAYA

9. TETAR SAO S/O LATE KARAMCHAND SAO R/O MOH.-  
RIKABGANJ, P.O. & P.S.- TEKARI, DISTT.- GAYA

10. PRAMILA DEVI W/O LATE SURENDRA SINGH R/O MOH.-  
RIKABGANJ, P.O. & P.S.- TEKARI, DISTT.- GAYA

11. SHIVNANDAN PRASAD S/O LATE BINDESHWARI PRASAD R/O  
MOH.- RIKABGANJ, P.O. & P.S.- TEKARI, DISTT.- GAYA

12. TATA TELE SERVICES LIMITED, THROUGH THE NODAL  
OFFICER MAHARAJA KAMESHWAR COMPLEX, 2ND FLOOR,  
FRAZER ROAD, PATNA

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02. 03.03.2011 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner alleges illegal encroachment of Government lands by construction of a Mobile tower by a private service provider, M/s Tata Tele Services Limited on lands identified as plot no. 2656 (old) 75 (new) 67 (gh) (part of plot no. 2656/75) at Mohalla- Rikabganj, Nagar Panchayat- Tekari.

It is submitted that the lands belonged to the Government and were being utilized by villagers for draining water which used to accumulate it in the ditch.

Learned counsel for the State very fairly acknowledges that this cannot be described as drainage in a civil society which requires a proper system of drainage. He further acknowledges that no third party construction can come up on Government lands without proper authorization in accordance with law.

Let the District Magistrate, Gaya examine the contentions of the petitioner and take appropriate remedial action as may be needed on both counts so that citizens did not suffer.

Let appropriate action as found applicable in the law be done within a maximum period of six weeks from the date of receipt/production of a copy of this order.

The application stands disposed.

P.K.

( Navin Sinha, J.)