

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5255 of 2023

=====

Congress Maidan Bachchao Samiti Kadamkuan, through its C.....

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Urban Development, Housing Department, Govt. of Bihar, Patna.
2. The Collector, Patna, Bihar.
3. The Managing Director, Bihar Urban Infrastructure Development Corporation (BUIDCO), Patna, Bihar.
4. The President Bihar Pradesh, Congress Committee, Sadakat Ashram, Patna.
5. The Patna Municipal Corporation through Municipal Commissioner, Patna Municipal Corporation, Patna.
6. The Municipal Commissioner, Patna Municipal Corporation, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Ms.Shally Kumari, Advocate
For the Respondent/s	:	Mr.Vinay Kirti Singh, GA 2
For the PMC	:	Mr. Sanjay Prakash Verma, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-04-2023

The petitioner claims to be the convener of a Samiti called the “Congress Maidan Bachao Samiti” situated at Kadamkuan, Patna and has filed the above writ petition as a Public Interest Litigation to save the Congress Maidan, Kadamkuan, Patna from encroachments, specially a sump house being constructed by the State Government. The petitioner



claims that the said Maidan has the statue of late Babu Anugrah Narayan Singh and the property itself was donated by the said person to the Bihar Pradesh Congress Committee. It is admitted that Jamabandi has been opened in the name of the President, Bihar Pradesh Congress Committee, Sadakat Ashram, Patna, as J.W. No. 399.

2. The petitioner claims that on the eastern corner of the Congress Maidan, there is a pump house and on the western corner, Bihar Urban Infrastructure Development Corporation (BUIDCO) has constructed a temporary sump house, which is now attempted to be made a permanent structure. A representation is said to have been made to the Municipal Commissioner, Patna as well as the Managing Director, BUIDCO against the proposed encroachment.

3. Admittedly, the Congress Maidan belongs to the Bihar Pradesh Congress Committee, in whose name the Jamabandi has also been created in the revenue records. We are unable to perceive any public interest being agitated specially when the property is in private ownership. It is for the owner in whose name Jamabandi has been created to fight against any encroachment and we see no reason to entertain the instant writ petition. We dismiss the writ petition, leaving open the remedy



to the admitted owner to pursue before the appropriate forum, if
it is so desired.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	29.04.2023
Transmission Date	

