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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.887 of 2013

Arising Out of PS. Case No.-98 Year-2010 Thana- PATNA GRP CASE District- Patna

Bablu @ Rajesh Kumar

... .. Petitioner

Versus

The State of Bihar and Ors

... .. Respondents

with

Criminal Writ Jurisdiction Case No. 899 of 2013

Arising Out of PS. Case No.-175 Year-2012 Thana- SHAHKUND District- Bhagalpur

Chotelal Singh

... .. Petitioner

Versus

The State of Bihar Through Director General of Police, Patna and Ors.

... .. Respondents

with

Criminal Writ Jurisdiction Case No. 278 of 2015

Arising Out of PS. Case No.-444 Year-2014 Thana- GANDHIMAIDAN District- Patna

Vijay Kumar Shahi and Ors.

... .. Petitioners

Versus

The State of Bihar Through The D.G.P., Bihar, Patna

... .. Respondents

Appearance :

(In Criminal Writ Jurisdiction Case No. 887 of 2013)

For the Petitioner : Mr.Jitendra Singh, Senior Advocate (Amicus Curiae)

For the State : Mr.Vinay Kriti Singh, GA-2

(In Criminal Writ Jurisdiction Case No. 899 of 2013)

For the Petitioner : Mr.Jitendra Singh, Senior Advocate (Amicus Curiae)

For the State : Mr.Ajay Bihari Sinha, GA-8

(In Criminal Writ Jurisdiction Case No. 278 of 2015)

For the Petitioners : Mr.Jitendra Singh, Senior Advocate

Mr.Harsh Singh, Advocate

For the State : Mr.Anjani Kumar, AAG-4

Mr.Amit Kumar Jha, AC to AAG-4

Mr.Shailendra Kr. Singh, AC to AAG-4

Mr.Alok Kumar Rahi, AC to AAG-4



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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE VIKASH JAIN
and
HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

31 01-03-2021 Heard Mr. Jitendra Singh, learned senior advocate for the petitioner in Cr.W.J.C. No. 278 of 2013 who has assisted this Bench as an *Amicus Curiae* in the continued absence of advocate on record for the petitioners in Cr.W.J.C. Nos. 887 of 2013 and 899 of 2013, and Mr. Anjani Kumar, learned Additional Advocate General No.4 for the State. We have also heard Mr. Vinay Kirti Singh, learned Government Advocate No.2 for the State.

Hearing concluded.

Judgment reserved.

List under the heading "For Judgment" on 19th March, 2021 at 10:30 a.m.

Before we part with the present order being passed on the very first day when court proceedings are being conducted in the Centenary Building of the Patna High Court upon its recent inauguration on 27.02.2021, we are constrained to take



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judicial notice of a huge structure on the north side adjacent to the Centenary Building of the Patna High Court, which has come up during the COVID-19 Pandemic.

In order to ascertain the legitimacy of the building, we called upon the learned Registrar General and the Court Officer and inquired from them as to whether any information had been given to the High Court prior to the erection of the building. We also inquired if they were aware whether the ongoing construction of the structure is being carried on after due approval of the map in accordance with law.

The learned Registrar General informed us that the District Magistrate and the Municipal Commissioner were called by him a few days ago and he enquired about the legitimacy of the structure. They could not offer any satisfactory reply at the time. However, the Municipal Commissioner expressed doubts that approval of the plan had been accorded for the ongoing construction.

In our opinion, the existence of the structure in such close proximity of the High Court building, apart from causing incessant disturbance in court proceedings, *prima facie*, poses serious security concerns for the Judges, lawyers, litigants, staff and security personnel alike.



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In our opinion, the matter needs to be brought to the notice of Hon'ble The Chief Justice for taking it up on the judicial side to consider, *inter alia*, the following aspects:

(i) Who is constructing the building, and at whose instance it is being constructed ?

(ii) Whether such person has right and title over the land on which the construction is being made ?

(iii) Whether the map of the building has been duly approved by the Patna Municipal Corporation and the construction is in accordance with the approved plan ?

(iv) What is the proposed use of the building ?

Let this matter be placed before Hon'ble the Chief Justice.

(Ashwani Kumar Singh, J)

(Vikash Jain, J)

(Ahsanuddin Amanullah, J)

(Rajendra Kumar Mishra, J)

(Chakradhari Sharan Singh, J)

Pradeep/-

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