

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2548 of 2002

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1. Pawan Kumar, son of late Krishna Prasad, resident of Bakarganj, P.S.-Laheriasarai, District-Darbhangha.
 2. Jagannath Kapri, son of Ram Kripal Kapri, resident of Rajendra Market, P.S.-Laheriasarai, District-Darbhangha.
 3. Dharam Raut, son of Ram Chandra Raut, resident of Laxmi Sagar, P.S.-L.N.Mithila University, District-Darbhangha.
 4. Govind Kumar, son of Bishnu Narayan Pradhan, resident of Gudri Bazar, P.S.-Laheriasarai, district-Darbhangha.
 5. Raghunath Gara, son of Rameshwar Gara, resident of Bakarganj, P.S.-Laheriasarai, District-Darbhangha.
 6. Vishwanath Sah, son of Chhatu Sah, resident of Bakarganj, P.S.-Laheriasarai, District-Darbhangha.
 7. Veena Devi, wife of Ram Bilash Mahatha, resident of Rahamganj, P.S.-Laheriasarai, District-Darbhangha.
 8. Sunita Purve, wife of Pravin Purve, resident of Bakarganj, P.S.-Laheriasarai, District-Darbhangha.
 9. Fakira Mahto, son of Bikan Mahto, resident of Bakarganj, P.S.-Laheriasarai, District-Darbhangha.
 10. Shivnath Sah, son of Baidyanath Sah, resident of Bakarganj, P.S.-Laheriasarai, District-Darbhangha.
 11. Aanpurna Devi, wife of Ashok Panjiyar, resident of Belwaganj, P.S.-Laheriasarai, District-Darbhangha.
 12. Dilip Sah, son of Kanhai Sah, resident of Gudri Bazar, P.S.-Laheriasarai, District-Darbhangha.
 13. Moh. Sabbir, son of Makri Ansari, resident of Dildarganj, P.S.-Laheriasarai, District-Darbhangha.
 14. Hari Narayan Mahto, son of Ram Lakhan Mahto, resident of Bakarganj, P.S.-Laheriasarai, District-Darbhangha.
 15. Suresh Sah, son of Ram Prasad Sah, resident of Saidnagar, P.S.-Laheriasarai, District-Darbhangha.
 16. Jagdish Sah, son of Sewak Sah, resident of Bakarganj, P.S.-Laheriasarai, District-Darbhangha.
 17. Laxman Panjiyar, son of Ramawtar Panjiyar, resident of Belwaganj, P.S.-Laheriasarai, District-Darbhangha.

.... Petitioner/s

Versus

1. The State of Bihar
2. Darbhanga Municipal Corporation through its Administrator
3. The Administrator, Darbhanga Municipal Corporation, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amish Kumar

For the Respondent nos.2&3: Mr. Bindhyachal Rai

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 14-07-2015



The petitioners, 17 in number, have filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the notices dated 05.02.2002 issued under the signature of the Administrator, Darbhanga Municipal Corporation, Darbhanga (respondent no.3), as contained in Annexure-5 series, whereby they were directed to vacate their respective shops allotted to them located at Rajendra Market (Gudri Bazar), Laheriasarai within a period of 15 days.

The present matter was earlier heard by a Bench of this Court on 21.02.2002 and by the aforesaid order, by way of interim measure, it was directed that until further orders from this Court, the petitioners shall not be evicted from the shops occupied by them. The present writ petition was admitted for hearing by an order dated 25.06.2002 and the interim order granted earlier was confirmed.

It is not in dispute that, in view of the interim order passed by this Court earlier, the petitioners were not evicted from the shops in question. It is the case of the petitioners that, in fact, they are still in possession over the same.

In the light of the orders dated 31.03.2015, 14.05.2015 as also 22.06.2015 passed by a Bench of this Court, a supplementary counter affidavit on behalf of the respondent nos.2 and 3 was filed on 10th July, 2015 after service of its copy upon the learned counsel appearing on behalf of the petitioners. In the aforesaid supplementary counter affidavit, it has been stated in paragraph nos.4 and 5 that the Darbhanga Municipal Corporation has taken a decision not to get Rajendra Market vacated and reconstructed on account of lack of money. It has further been stated that in the light of the decision taken by the Darbhanga Municipal Corporation, the respondent Municipal

Commissioner has issued different orders dated 03.07.2015, which all have been brought on record as Annexure-A series to the aforesaid supplementary counter affidavit, whereby the impugned notices dated 05.02.2002 (Annexure-5 series to the writ petition) have been withdrawn for the reasons recorded in that order.

After having heard the parties and taking into consideration the aforesaid orders dated 03.07.2015 (Annexure-A series to the aforesaid supplementary counter affidavit filed on behalf of the respondent nos.2 and 3), this Court is of the considered opinion that the present matter has become infructuous since cause of action does not survive.

Accordingly, the present writ petition is disposed of as infructuous.

(Birendra Prasad Verma, J)

Arvind/-

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