

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1580 of 2012

IN

Civil Writ Jurisdiction Case No. 9397 of 2007

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1. Nirmal Kumar, Son Of Ram Narayan Prasad, Resident Of Mohalla- Anaite, P.O. & P.S.- Nawada Ara, District- Bhojpur
 2. Baijnath Prasad, Son Of Keshav Sao, Resident Of Mohalla- Nawada, P.O. & P.S.- Nawada Ara, District- Bhojpur
 3. Sanjay Singh, Son Of Kamal Dev Singh, Resident Of Mohalla- Tilak Nagar, Katira, P.O. & P.S.- Nawada Ara, District- Bhojpur
 4. Md. Kamaluddin, Son Of Late Md. Qutubuddin, Resident Of Mohalla- Milky Anaite, P.O. & P.S.- Nawada Ara, District- Bhojpur
 5. Vijay Kumar, Son Of Lakshman Prasad, Resident Of Mohalla- Maharaja Haata, P.O. & P.S.- Nawada Ara, District- Bhojpur
 6. Indra Bhushan Kumar, Son Of Sipahi Prasad, Resident Of Mohalla Moula Bagh, P.O. & P.S.- Nawada Ara, District- Bhojpur
 7. Md. Mustafa, Son Of Md. Sharif, Resident Of Mohalla- Nawada, P.O. & P.S.- Nawada Ara, District- Bhojpur
 8. Shri Kant Prasad, Son Of Late Jagdish Prasad, Resident Of Mohalla- Karman Tola, P.O. & P.S.- Nawada Ara, District- Bhojpur
 9. Ashok Kumar, Son Of Late Rajdev Singh, Resident Of Mohalla Karman Tola, P.O. & P.S.- Nawada Ara, District- Bhojpur
 10. Ful Kumari Devi, Wife Of Late Mahadeo Prasad, Resident Of Mohalla- Tilak Nagar, Katira, P.O. & P.S.- Nawada Ara, District- Bhojpur
 11. Narayan Prasad, Son Of Late Man Mohan Prasad, Resident Of Mohalla- Maharaja Haata, P.O. & P.S.- Nawada Ara, District- Bhojpur
 12. Lal Babu Sah, Son Of Sri Ramayan Shah, Resident Of Mohalla- Bihari Mall, P.O. & P.S.- Nawada Ara, District- Bhojpur

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government Of Bihar
2. The Principal Secretary, Department Of Road Construction, Government of Bihar, Patna
3. The Chief Engineer Cum Special Secretary, Department Of Road Construction, Government of Bihar, Bishwasaraiya Bhawan, Baily Road, Patna
4. The District Magistrate, Bhojpur, District- Bhojpur At Ara
5. The Sub Divisional Officer, Ara Sadar, District- Bhojpur At Ara
6. The Circle Officer, Ara Sadar, District- Bhojpur At Ara
7. Shiv Shankar Singh, Son Of Ram Bahadur Singh, Resident Of Mohalla Anaite, P.O. & P.S.- Nawada Ara, District- Bhojpur
8. Suresh Prasad, Son Of Late Braj Mohan Prasad, Resident Of Mohalla- Nawada, P.O. & P.S.- Nawada Ara, District- Bhojpur
9. Jai Siyaram, Son Of Sri Shyam Swarup Singh, Resident Of Mohalla Nawada, P.O. & P.S.- Nawada Ara, District- Bhojpur
10. Lakshman Shah, Son Of Late Sita Ram Shah, Resident Of Mohalla- Guddi Saraiya, P.O.- Krishna Garh, P.S.- Ara (Mufasil), District- Bhojpur
11. Shiv Kumar, Son Of Late Lakshman Prasad, Resident Of Mohalla- Maharaja Haata, P.O. & P.S.- Nawada Ara, District- Bhojpur
12. Raj Kumar, Son Of Late Lakshman Prasad, Resident Of Mohalla- Maharaja Haata, P.O. & P.S.- Nawada Ara, District- Bhojpur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
and
HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE V.N. SINHA)
Date: 20-07-2015

Heard learned counsel for the appellants.

2. By filing this appeal appellants have challenged the order dated 25.04.2012, passed in C.W.J.C. No. 9397 of 2007 whereunder learned Single Judge refused to direct the State-Respondents, Ara Municipality to allow the petitioners to continue with their shops at the site wherefrom they were evicted after demolition of the shops. Learned Single Judge, however, directed the authorities to provide shop to the appellants at an alternate site, which the authorities are ready to provide, but the appellants insist that they must be allowed to continue with the shop at the same place wherefrom their shop has been demolished.

3. Learned Single Judge has given good reason not to allow the aforesaid prayer. We see no reason to take a different view of the matter. The appeal is dismissed.

(V.N. Sinha, J)

(Jitendra Mohan Sharma, J)

Rajesh/-

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