

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1660 of 2015

IN

Civil Writ Jurisdiction Case No. 2027 of 1997

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1. Binda Prasad Yadav
2. Brijesh Kumar Yadav both sons of Late Jata Raut resident of Village Gaunaha,
P.S. Gaunaha, District - West Champaran at Bettiah.

.... Appellant/s

Versus

1. The State of Bihar.
2. District Magistrate-cum-Collector, West Champaran, at Bettiah.
3. Sub-Divisional Officer, Narkatganj, District - West Champaran.
4. Circle Officer, Gaunaha Circle, District - West Champaran, Bettiah.
5. The Officer Incharge, Gaunaha Police Station, District - West Champaran,
Bettiah.
6. Md. Shahid Parvez Son of Late Md. Maslehuddin resident of Village P.O. and
P.S. Gaunaha, District - West Champaran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Respondent/s : Mr. Ram Balak Mahto, AG

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 21-12-2015

We have heard Mr. Bimlesh Kumar Pandey, learned Counsel,
appearing on behalf of the appellants, and learned Assistant Counsel to Advocate
General for the State-respondents.

By a writ petition, made under Article 226 of the Constitution of
India, which gave rise to CWJC No. 2027 of 1997, the petitioner, who is the
appellant herein, sought for, *inter alia*, a direction for issuance of appropriate
writ(s) setting aside and quashing the order, dated 11.02.1997, passed by
respondent No.2, and prohibiting demolition of the house of the petitioners

standing over Plot No.142.

On 29.06.2015, after advancing some arguments, learned counsel for the petitioners sought for permission of the Court to withdraw the writ application, which has given rise to CWJC No.2027 of 1997. By the order, dated 29.06.2015, a learned single Judge of this Court, while dismissing the writ petition as withdrawn, observed as under:

“However, the petitioners will be at liberty to file a suit and get an interim order in their favour within four months from today. If they fail to obtain the interim order, the Collector, West Champaran at Bettiah will ensure execution of the order.

During four months status quo as of today shall be maintained.”

This appeal has been filed seeking to get set aside the direction given, in CWJC No.2027 of 1997, by the order, dated 29.06.2015, to the effect that if the petitioners fail to obtain any interim order, the Collector, West Champaran at Bettiah, shall ensure execution of the order, dated 11.02.1997.

We, however, find that by the order, dated 13.03.1997, a direction was given to maintain *status quo* as on that day and this interim direction has been continued till today.

In view of the fact that the writ petition bearing CWJC No.2027 of 1997 was dismissed on being withdrawn by the writ petitioners, the interim direction, which had been passed in the writ petition on 13.03.1997, ought to have been vacated.

We accordingly direct that interim direction, passed on 13.03.1997 and continued thereafter, shall no longer prevail and we, accordingly, leave the respondents herein free to take such action(s) as may be

permissible in law and, at the same time, we leave the petitioners, too, to seek from the civil court of competent jurisdiction such interim order of injunction as may be warranted in the facts and attending circumstances of the present case.

To the extant as indicated above, the order, under appeal, passed, on 29.06.2015, in CWJC No. 2027 of 1997, shall stand modified.

With the above observations and directions, this appeal stands disposed of.

No order as to costs.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

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