

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19634 of 2014

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1. Ram Balak Goshwami, son of Bhuvneshwar Goshwami, resident of Mohalla at Station Road, situated in the Shop Katra bearing Stall No. B/7, Khagaria Municipality, P.S. Khagaria, District-Khagaria
 2. Rakesh Kumar Mishra, son of Gogendra Narain Mishra, resident of Mohalla at Station Road, situated in the Shop Katra bearing Stall No. D/18, Khagaria Municipality, P.S. Khagaria, District-Khagaria
 3. Kamleshwari Prasad, son of late Bajrangi Sah, resident of Mohalla at Station Road, situated in the Shop Katra bearing Stall No._____, Khagaria Municipality, P.S. Khagaria, District-Khagaria
 4. Naresh Kumar, son of Late Jagan Sah, resident of Mohalla at Station Road, situated in the Shop Katra bearing Stall No. D/26, Khagaria Municipality, P.S. Khagaria, District-Khagaria
 5. Sunil Yadav, son of Sri Devi Yadav, resident of Mohalla at Station Road, situated in the Shop Katra bearing Stall No. 22C/22, Khagaria Municipality, P.S. Khagaria, District-Khagaria
 6. Sanjay Kumar son of Birendra Pd. Yadav, resident of Mohalla at Station Road, situated in the Shop Katra bearing Stall No. A/5, Khagaria Municipality, P.S. Khagaria, District-Khagaria
 7. Lakshi Devi, wife of Gopal Prasad Sah, resident of Mohalla at Station Road, situated in the Shop Katra bearing Stall No. C/9, Khagaria Municipality, P.S. Khagaria, District-Khagaria
 8. Bablu Paswan, son of late Bahor Paswan, resident of Mohalla at Station Road, situated in the Shop Katra bearing Stall No. D/31, Khagaria Municipality, P.S. Khagaria, District-Khagaria
 9. Arjun Mahto, son of Late Jilabi Mahto, resident of Mohalla at Station Road, situated in the Shop Katra bearing Stall No. D/17, Khagaria Municipality, P.S. Khagaria, District-Khagaria
 10. Shankar Sah son of Dhanik Lal Sah, resident of Mohalla at Station Road, situated in the Shop Katra bearing Stall No. C/28, Khagaria Municipality, P.S. Khagaria, District-Khagaria
 11. Manju Devi, wife of Rajendra Poddar, resident of Mohalla at Station Road, situated in the shop Katra bearing Stall No. D/34, Khagaria Municipality, P.S. Khagaria, District-Khagaria
 12. Mahesh Prasad Poddar, son of late Gorelal Poddar, resident of Mohalla at Station Road, situated in the Shop Katra bearing Stall No. D/33, Khagaria Municipality, P.S. Khagaria, District-Khagaria
 13. Sangeeta Kumari, daughter of Brahmdeo Prasad Sah, resident of Mohalla at Station Road, situated in the Shop Katra bearing Stall No. A/1, Khagaria Municipality, P.S. Khagaria, District-Khagaria

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Khagaria
2. Union of India represented through General Manager, North Eastern Railway, Gorakhpur
3. Chairman, Khagaria Municipality, Khagaria, District-Khagaria
4. Executive Officer, Khagaria Municipality, Khagaria, District-Khagaria

..... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ajay Prasad, Advocate

For the Respondent/s : Ms. Kumari Amrita, G.P.-10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 15-02-2016

Heard Mr. Ajay Prasad for the petitioner, Mr. Anil Singh for the Railways and Mr. Rakesh Chandra for the Municipality.

On the objection raised as regarding the status of the respondent no. 2 Mr. Ajay Prasad seeks permission to make correction. He is permitted to do so during the course of the day.

Although the petitioners have sought for a direction to restrain the respondent authorities of the Municipality from taking any steps to get the shops held by these petitioners vacated without notice or hearing but the relief so prayed has been objected to by Mr. Chandra appearing for the Municipality in submitting that in absence of any such steps taken by the Municipality, the petitioners have no cause of action. Mr. Singh appearing for the Railways submits that the land in question belongs to the Railways. He submits that a suit was filed by the Railways in this regard against the Municipality and although the suit was dismissed but the First Appeal was decreed in favour of the Railways and the matter is pending consideration in Second Appeal No. 79 of 2008.

Be that as it may, considering that there is no evidence on record which would confirm the apprehension of the petitioner, the writ petition is disposed of with liberty to the petitioner to raise his grievance before the authority concerned as and when the occasion would so arise.

The writ petition is disposed of.

(Jyoti Saran, J)

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