

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.24 of 2017

In

Civil Writ Jurisdiction Case No. 4353 of 2015

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Shivendra Kumar Singh, Son of Late Jamuna Prasad Singh, Licencee -
Proprietor of M/s Sri Krishna Talkies, North of Ashram Road, Raxaul,
District - East Champaran and resident of Mohalla - Islampur, Ward No.8,
Nagar Parishad, Raxaul, District - East Champaran.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development.
2. The Executive Officer, Parishad, Raxaul, P.S. Raxaul, District - East Champaran.
3. The Junior Engineer, Nagar Parishad, Raxaul, P.S. Raxaul, District - East Champaran.
4. The Executive Engineer, Building Department, Motihari.
5. Pashupati Prasad Gupta, Son of Bhajan Sah East Champaran.
6. Anant Goshwami, Son of Late Laxmi Goshwami, East Champaran.
7. Rajeev Verma, Son of Late Girendra Pd. Verma, East Champaran.
8. Rahul Jaiswal, Son of Late Madan Prasad Jaiswal, East Champaran.
9. Jagdish Prasad, Son of not Known, East Champaran.
10. Sandip Prasad, Son of Binayshanker Singh, East Champaran.
11. Arun Kumar @ Arun Kr. Singh @ Arun Singh, Son of Late Suraj Pd. Singh, East Champaran.
12. Dilip Tiwari (name not Clearly visible), Son of not Known, East Champaran.
13. Mahavir Prasad, Son of Late Tapeswar Sah, East Champaran.
14. Dheeraj Kumar, S/o Ram Prasad Singh, East Champaran.
15. Sunil Mishra, Son of Late Umashanker Mishra, East Champaran.
16. Kishore Kumar, Son of not Known, East Champaran.
17. Ravi Kumar, Son of not Known, East Champaran.
18. Dalip Kumar, Son of Late Mohan Lal Jalan, East Champaran.
19. Manoj, Son of Ramesh Shah, East Champaran.
20. Mahesh Prasad, Son of Late Jala Shanker, East Champaran.
21. Nagendra Nath Tiwari, Son of Surendra Nath Tiwari.
22. Vibhaw Singh, Son of Baidynath Singh.
23. Ajay Kumar Singh, Son of Late Bali Ram Prasad.
24. Arun Kumar Singh, Son of Late Suraj Prasad Singh.
25. Rajoo Kumar Singh, Son of Late Bhanu Pratap Singh, All from Respondent No. 22 to 25 residents of North to Ashram Road, Ward No. 09, Raxaul, District - East Champaran having permanent address - Village Mahadewa, P.S. Raxaul, District - East Champaran.

.... Respondents

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Appearance :

For the Appellants : Mr. Amar Nath Mishra, Advocate.
For the State : Mr. R.S.Singh, A.C. to A.A.G. 7.



For the Respondent Nos. 22-25 : Mr. Sanjay Kumar Tiwary, Advocates.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 17-04-2017 The petitioner claiming to be a share holder of a Cinema Theatre in the name and style of 'M/S. Sri Krishna Talkies', has filed this appeal challenging the order of the learned Writ Court under Clause 10 of the Letters Patent. Challenge to the order passed by the learned Writ Court in C.W.J.C.No. 4353 of 2015 is made on the grounds that in demolishing the building in question, various statutory provisions like the provisions of Section 278 of the Bihar Municipal Act and various other statutory provisions have been violated. However, while going through the records and the submissions made, we find that the petitioner is only a share holder in the Establishment in question. His share is less than 2% and interveners account for the remaining about 98 % share in the Cinema Theatre in question and in a civil suit filed with regard to title of the Cinema Theatre in question suit of the appellant claiming title has been rejected. That being the factual position with regard to the right to the property in question at the instance of the petitioner, we see no reason to look into the question of demolition at the instance of the petitioner who is only 2% share holder in the property in question. As such, we are



not inclined to interfere into the matter.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

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