

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.378 of 2016

Arising out of

LPA No. 1580 of 2012

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1. Nirmal Kumar, Son of Ram Narayan Prasad, Resident of Mohalla- Anaite, P.O. and P.S. Nawada Ara, District- Bhojpur.
 2. Sanjay Singh, Son of Kamal Dev Singh, Resident of Mohalla- Tilak Nagar, Katira, P.O. and P.S. Nawada Ara, District- Bhojpur.
 3. Md. Kamaluddin son of Late Md. Qutubuddin, Resident of Mohalla- Milky Anaite, P.O and P.S. Nawada, Ara, District- Bhojpur.
 4. Vijay Kumar, Son of Lakshman Prasad, Resident of Mohalla- Maharaja Haata, P.O. and P.S. Nawada Ara, District- Bhojpur.
 5. Indra Bhushan Kumar, Son of Sipahi Prasad, Resident of Mohalla- Mouala Bagh, P.O. and P.S. Nawada Ara, District- Bhojpur.
 6. Md. Mustafa Son of Md. Sharif Resident of Mohalla- Nawada, P.O and P.S. Nawada Ara, District- Bhojpur.
 7. Shri Kant Prasad, Son of Late Jagdish Prasad, Resident of Mohalla- Karman Tola P.O. and P.S. Nawada Ara, District- Bhojpur.
 8. Ashok Kumar, Son of Late Rajdev Singh, Resident of Mohalla- Karman Tola, P.O. and P.S. Nawada Ara, District- Bhojpur.
 9. Narayan Prasad, Son of Late Man Mohan Prasad, Resident of Mohalla- Maharaja Haata, P.O. and P.S. Nawada Ara, District- Bhojpur.
 10. Lal Babu Shah, Son of Shri Ramayan Shah, Resident of Mohalla- Bihari Mall, P.O. and P.S. Nawada Ara, District- Bhojpur.

.... Petitioner/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 and P.S. Nawada, Ara, District- Bhojpur.
8. Suresh Prasad, Son of Late Braj Mohan Prasad, Resident of Mohalla- Nawada, P.O. and P.S. Nawada Ara, District- Bhojpur.
9. Jai Siyaram, Son of Shri Shyam Swarup Singh, Resident of Mohalla- Nawada, P.O. and P.S. Nawada Ara, District- Bhojpur.
10. Lakshman Shah Son of Late Sita Ram Shah, Resident of Mohalla- GuddiSariya, P.O. Krishna Garh, P.S.- Ara (Muffasil), Districti- Bhojpur.
11. Shiv Kumar Son of Late Lakshman Prasad, Resident of Mohalla- Maharaja Haata, P.O. and P.S. Nawada Ara, District- Bhojpur.
12. Raj Kumar, Son of Late Lakshman Prasad, Resident of Mohalla- Maharaja Hata, P.O. and P.S. Nawada Ara, District- Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Sita Ram Yadav, G.P. 16

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 07-07-2017

Delay of 88 days in filing of the review application is
condoned. I.A. No. 6690 of 2016 stands allowed and disposed of.

Substitution Petition being I.A. No. 6691 of 2016 stands
allowed. Corrections be made during the course of the day.

L.P.A. No. 1580 of 2012 was dismissed by the Division
Bench of this Court by so observing :-



“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.”

Inter alia contending that the learned Writ Court and the Division Bench has not considered various aspects pertaining to illegal demolition of the shop and the rights available to the appellants based on various documents filed, this application has been filed for review.

In view of the judgment of the Supreme Court in the case of **Sasi (dead) Vs. Aravindakshan Nair- (2017) 4 SCC 692** and paragraphs 6 to 9 thereof, we are not inclined to go into all these



aspects of the matter. However, as the learned Division Bench has already granted liberty to the appellants to grant them shops in the alternate site and the authorities have been directed to provide the shop to the appellants in the alternate site, as has been reproduced hereinabove, the respondent authorities are directed to ensure that the shops in the alternate area, as directed by the Division Bench, are provided to the petitioners within a reasonable period of time.

With the aforesaid observations, the Review Application stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	11.07.2017
Transmission Date	

