

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9439 of 2016

Vijay Krishna Agrawal, son of Late Gopal Krishna Singhal, resident of Mohalla- Kotha Toli, P.O.+ P.S.- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Rohtas at Sasaram cum Chairman, Ojha Town Hall Committee, Sasaram.
3. The Deputy Collector, Nazarat, Rohtas, Sasaram cum Secretary, Ojha Town Hall Committee, Sasaram.
4. The Circle Officer, Sasaram, Rohtas.
5. The Sasaram Municipality through its Executive, Sasaram, Rohtas.
6. The Executive Officer, Sasaram Municipality, Sasaram, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh
For the Respondent/s : Mr. Gautam Bose ((Aag8))

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date : 04-12-2018

Heard learned counsel for the petitioner and learned counsel for the State.

2. This writ petition has been filed by the petitioner against the action of the respondents in demolishing his shop without giving him any notice or information.

3. It is the case of the petitioner that his shop was situated in the campus of Ojha Town Hall, Sasaram, which was allotted to him vide lease agreement dated 16.09.1995 by the Deputy Collector, Nazarat, Rohtas, Sasaram-cum-Secretary of the



Ojha Town Hall. The lease was for a period of 15 years and the term of the said lease had expired on 15.10.2010.

4. The contention of the petitioner is that after expiry of the lease also he was occupying the said shop and the same was demolished on 31.01.2016 without any information or notice to him and the entire belongings in his shop were destroyed by the respondent authorities.

5. On the contrary, the case of the respondents is that after expiry of the period of 15 years, the petitioner had become illegal occupier. The District Administration, Rohtas decided to remove encroachments from the vacant land of Ojha Town Hall, Sasaram. The petitioner was duly informed and despite repeated notices he failed to vacate the premises. Ultimately, as the district administration decided to remove encroachment from the vacant land of Ojha Town Hall, Sasaram, the encroachment was removed after proper notice. Their case is that no property of the petitioner was damaged and there is no bonafide on the part of the petitioner in assailing the action taken by the respondents.

6. Be that as it may, since the admitted case of the petitioner is that he was an illegal occupant of the shop which itself has been demolished and the petitioner has not prayed for any relief except a declaration from the Court that the action of the



respondents in removing the encroachment was bad and the swaid contention is disputed by the respondents, no relief can be granted to the petitioner in exercise of writ jurisdiction. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06-12-2018
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