

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9469 of 2009

1. Laxman Prasad Keshari Son of Late Sukhu Shaw, Resident of Ganga Chak Malikana, P.O. and P.s. Masaurhi, District Patna.
2. Md. Shaukat Ali son of Late Samhu Miyan, resident of Mohalla-Malikana, P.O. and P.S. Masaurhi, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Collector, Patna.
2. The Executive Officer, Nagar Parishad, Masaurhi (Patna).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Asit Kumar Jha
For the Respondent/s : Mr.Gp7

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 12-04-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the respondents.

The present writ application has been filed by the petitioners in the year 2009 for a direction to the respondents not to interfere with the peaceful possession of the shops in question and in running the business of Kirana Shop by the petitioners.

It appears from the order dated 22.12.2011 that this Court has noted the fact that the issue raised in the present writ application is covered by the order passed in C.W.J.C. No. 11256 of 2009 dated 15.12.2011 disposed of 15.12.2011. The C.W.J.C. No. 11256 of 2009 was disposed of vide order dated 15.12.2011 with direction to the Municipal Executive Officer,



Municipal Council, Masaurhi, Patna to provide opportunity of hearing to the petitioners and thereafter take appropriate decision.

Unfortunately, after the order dated 22.12.2011 for more than 7 years the present application remain pending.

Accordingly, the Court directs the Executive Officer, Nagar Parishad, Masaurhi to provide opportunity of hearing to the petitioners and after hearing the petitioners pass appropriate order on the issue if Municipal Council proposes to demolish the land in question on which the petitioners have constructed shops for running their business.

Necessary decision after opportunity of hearing to the petitioners may be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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