

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2064 of 2018

1. Md. Subahan Mansuri @ Subhan Mansuri Son of Md. Qurban Ali, Resident of Nagar Ward No. 17, Dehri, P.S.- Dehri, District- Rohtas.
2. Samson, Son of Prabhunath Singh, Resident of Purbi Mohan Bigha, Vyapar Mandal, P.O.- Dalmiya Nagar, P.S.- Dehri, District- Rohtas.
3. Manohar Kumar, Son of Moti Chand Sah, Resident of Rajbhog Gali, West Mohan Bigha, P.O.- Dalmiya Nagar, P.S.- Dehri, District- Rohtas.
4. Tamijuddin, Son of Abdul Aziz, Resident of Station Road, Patel Gali New Area, Ward No. 17, P.S.- Dehri, District- Rohtas.
5. Prabhu Nath Singh, Son of Fakir Chand Singh, resident of 107 Purbi Mohan Bigha, Anchal P.S.- Dehri, District- Rohtas.
6. Krishna Singh, Son of Jag Roshan Singh, Resident of Station Road, Dehri, P.S.- Dehri, District- Rohtas.
7. Laxman Prasad Gupta, Son of Ganesh Sah, Resident of Purani Mohan Bigha, Dehri, P.S.- Dehri, District- Rohtas.
8. Mohan Prasad, Son of Rambriksh Sharma, Resident of Akorhi Gola, Akorhi Bazar, Dehri, P.S.- Dehri, District- Rohtas.
9. Md. Sharif, Son of Late Md. Suleman, resident of Patel Gali, New Area, Durga Mandir, Dehri, P.S.- Dehri, District- Rohtas.
10. Baleshwar Singh, Son of Ram Prasad Singh, Resident of Purbi Mohan Bigha, New G.T. Road, Dehri, P.S.- Dehri, District- Rohtas.
11. Ajay Kumar Gupta, Son of Ramchandra Prasad, resident of Vyapar Mandal Gali, Purbi Mohan Bigha, Dehri, P.S.- Dehri, District- Rohtas.
12. Ashok Seth, Son of Raghunath Seth, resident of East Mohan Bigha, Ward No. 15, Dehri, P.S.- Dehri, District- Rohtas.
13. Anil Kumar Gupta, Son of Satyendra Prasad Gupta, Resident of Pashchim Mohan Bigha New Area, Dehri, Anchal P.S.- Dehri, District- Rohtas.
14. Md. Tabrej Alam @ Tabrej Alam, Son of Md. Naseem, Resident of Dehri, Anchal P.S.- Dehri, District- Rohtas.
15. Ramjee Sharma, Son of Purnvasi Sharma, Resident of Village- Bhattigali, P.O.- Mohan Bigha, Dalmiya Nagar, Dehri on Sone, P.S.- Dehri, District- Rohtas.
16. Enul Haque @ Anul Haque Ansari, Son of Md. Yashik, resident of East Mohan Bigha, Dalmiya Nagar, P.S.- Dehri, District- Rohtas.
17. Gulam Navi, Son of Ramzan Ali, Resident of 8, Pashchim Mohan Bigha, Bhyankar Modh, Anchal P.S.- Dehri, District- Rohtas.
18. Md. Abid Ali, son of Md. Jamaluddin Rohtasbi, resident of 315 Ka, Jakki Bigha, Anchal P.S.- Dehri, District- Rohtas.
19. Syed Javed Akhtar, son of Syed Nasir, Resident of Station road, Chakia Dalmiya Nagar, Dehri, P.S.- Dehri, District- Rohtas.
20. Kanhaiya Singh, Son of Baleshwar Singh, Resident of West Mohan Bigha, Dehri-on-Sone, P.S.- Dehri, District- Rohtas.



21. Rajendra Ojha, son of Vibhishan Ojha, Resident of Subhash Nagar, Dehri, P.S.- Dehri, District- Rohtas.
22. Ravi Ranjan Singh, Son of Tara Prasad, resident of Dehri, Anchal P.S.- Dehri, District- Rohtas.
23. Shyama Kant Sinha, Son of Brij Bihari Sinha, resident of New Area Dehri, P.S.- Dehri, District- Rohtas.
24. Vinay Pratap Singh @ Vinay Pratap Singh, Son of Tara Prasad, Resident of Paschim Mohan Bigha, Anchal P.S. Dehri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Road Construction, Bihar, Patna.
2. The Principal Secretary Department of Road Construction, Government of Bihar, Patna.
3. The Executive Engineer, Road Construction Division, Dehri-on-Sone Division, Sasaram.
4. The Collector-cum-District Magistrate, Rohtas at Sasaram.
5. The Sub-Divisional Officer, Dehri, District- Rohtas at Sasaram.
6. The Circle Officer, Dehri, District- Rohtas at Sasaram.
7. The Nagar Parishad, Dehri-Dalmiya Nagar, Rohtas through its Executive Officer.
8. The Executive Officer, Nagar Parishad, Dehri-Dalmiya Nagar, Rohtas.
9. Zila Parishad, Sasaram through its Secretary-cum-Chief Executive Officer.
10. The Secretary-cum-Chief Executive Officer, Zila Parishad, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar Mishra, Adv.
		Ms. Rani Kumari, Adv.
For the State	:	Ms. Pushpanjali Sharma, AC to SC-20
For the Zila Parishad, Rohtas:		Mr. Ashutosh Ranjan Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-04-2019 Petitioners have moved this Court seeking an appropriate direction/directions commanding the respondents not to disturb the petitioners in carrying out their business in the shops which were allegedly settled/allotted to them by the



respondent Nagar Parishad, Dehri-Dalmiya Nagar, District-Rohtas.

The grievance of the petitioners is that the respondent Nagar Parishad is not abiding by the directions and observations of the Hon'ble Supreme Court in Civil Appeal No.1134 of 1971. It is submitted that in the earlier round of litigation although the Hon'ble Supreme Court was pleased to allow the Civil Appeal preferred by the Executive Engineer, P.W.D., Sahabad and others, but in the operative part of its judgment the Hon'ble Supreme Court had been pleased to record the following observations:-

“..... But in view of the fact that the respondents have been in possession of the land in question for over 35 years and it will cause considerable hardship to them if they are thrown immediately, we would direct that they shall not be evicted from the land until the expiration of a period of six months from today. In the meanwhile, we would ask the State Government to consider the question of giving alternative land to the respondents so that they may be rehabilitated. We hope and trust that the State Government will be able to provide alternative land to the respondents before the period of six months is over.”

Learned counsel for the petitioners submits that no doubt the petitioners have lost their right to continue in possession over the land in question, but at the same time by virtue of the observations of the Hon'ble Supreme Court the State Government is liable to consider the question of giving alternative land to the respondents so that they may be



rehabilitated. Learned counsel submits that these petitioners were respondents before the Hon'ble Supreme Court.

Learned counsel for the State however submits that the fact that these petitioners were the respondents before the Hon'ble Supreme Court will be required to be examined. It is submitted that since the petitioners have no legal right to continue on the land in question, this Court while sitting in its writ jurisdiction may not grant any injunction against the respondents and in favour of the petitioners, however, the Executive Officer, Nagar Parishad, Dehri-Dalmiya Nagar, District-Rohtas would be only competent to look into the grievance of the petitioners and do the needful, if so required, in consultation with the State Government.

No one appears on behalf of the Nagar Parishad, Dehri-Dalmiya Nagar, District-Rohtas.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that the petitioners are unable to establish any legal right to continue on the land in question, however, it is their case by virtue of the observations of the Hon'ble Supreme Court that the State of Bihar would be obliged to consider the question of their rehabilitation. If it is so, it is open to the petitioners to represent their case to the State



Government for consideration if not already considered in the light of the observations of the Hon'ble Supreme Court, which may be considered expeditiously. This Court, would, however refrain from giving any direction from its end.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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