

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5680 of 2020

1. Saroj Devi Daughter of Late Sita Ram Tibrawal Resident of Naya Bazar, Lakhisarai, P.O., P.S. and District- Lakhisarai.
2. Sangita Devi @ Sangita Singhanian Wife of Rupesh Kumar Singhanian Resident of Ward No.19, Opposite Shiv Mandir, K.P. Road, Purani Godam, Gaya, P.S. Gaya (Town), District- Gaya, PIN Code No.- 823001.
3. Sudha Devi @ Sudha Devi Agrawal Resident of Shambhu Kumar Agrawal Resident of Main Road, Jehanabad, P.S and District- Jehanabad, PIN- 804408.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Collector, Lakhisarai.
3. The Sub-Divisional Officer, Lakhisarai, District- Lakhisarai.
4. The Director General of Police, Bihar, Patna.
5. The Deputy Inspector General of Police, Munger.
6. The Deputy Superintendent of Police, Lakhisarai, District- Lakhisarai.
7. The Station House Officer/Officer-in-Charge, Lakhisarai Police Station, District- Lakhisarai.
8. Prahlad Kumar Chaudhary Son of Vinay Kumar Resident of Naya Bazar, Daal Patti, Lakhisarai, District- Lakhisarai.
9. Sandeep Chaudhary Son of Prahlad Kumar Chaudhary Resident of Naya Bazar, Daal Patti, Lakhisarai, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Prasad, Adv.
For the Respondent/s : Mr. Lalit Kishore, A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 20-05-2020

The proceeding of the court are being conducted through video-conferencing and the advocates and staff join the proceeding through video-conferencing from their residence.

I.A. No. 01 of 2020

Heard learned counsel for the parties.



This interlocutory application has been filed for correction of the name of the respondent no. 8 in the writ petition as it is typed as Prahlad Kumar Choudhary in place of Pradeep Kumar Choudhary. Accordingly, the name of respondent no. 8 read as Pradeep Kumar Choudhary in place of Prahlad Kumar Choudhary.

I.A. No. 01 of 2020 is allowed and disposed of.

Learned counsel for the petitioners undertakes to remove all the defects as pointed out by the office within one week of normal functioning of the Court after the lockdown, failing which office is directed to place the matter before the Bench for appropriate order.

The petitioners, by way of filing this writ application, have approached this Court for the following reliefs:-

(i) For issuance of a direction to consider the complaint filed before the respondent authority by the petitioners but the aforesaid complaint petition has not been considered by the respondent authority as well as no enquiry has been initiated as yet.

(ii) For issuance of a direction to the respondent no. 1 to 7 for restraining the private respondent no. 8 and 9 not to demolish the house of the petitioners which has been in their possession where they are living in the house.

(iii) For issuance of a direction to maintain status quo of the aforesaid plot till the disposal of the writ application which has been tried to forcibly capturing and demolishing the dwelling house of the petitioners in collusion with the anti-social elements as well as local police. Thereafter, if no



action has been taken, the petitioners will be deprived of their life and property.

Learned counsel for the petitioners submits that petitioners' two storied residential house situated within Lakhisarai Municipal Corporation area, under mauza Mathar Khagaour, Tauji No. 400, 1282, 1886, 1288 and 1290, Khata No. 426, Khesra No. 490 Holding No. 356 butted and bounded by on the north side-Govind Banka brother, South Side-Shyam Sundar Tebriwal, East River Kiul, West Main Road. He further submits that petitioners have ancestral properties inherited by them and thereafter they have come into peaceful possession of the aforesaid house and subsequently, private respondent nos. 8 and 9, in collusion with the official respondents started making demolition of the house of the petitioners. The private respondent nos. 8 and 9 are bhoo-mafia and have tried forcefully to capture the house-building of the petitioners. The respondent nos. 8 and 9 have the business of capturing forcefully the houses/plots and valuable properties in collusion with government officials. He also submits that the respondent nos. 8 and 9 have started for the first time making demolition of open area of the house of the petitioners on 23.04.2020. Thereafter, they again started demolition of the house frequently without any hesitation during lock down period on 13th May, 2020. Thereafter, the petitioners have filed a complaint



before the authority concerned but the authority concerned has not taken any action with regard to stopping of demolition work of the house. Thereafter, they have filed a reminder on 12.05.2020 before the respondent no. 3 to 7. However, no action has been taken on the reminder representation of the petitioners. He further submits that official respondents have not initiated any proceeding or any enquiry about the complaint filed by the petitioner. He further submits that news item in the newspaper flashed on 29.04.2020 in Hindi Daily, 'Dainik Bhaskar', for the first time; then on 13th May, 2020 in the same newspaper 'Dainik Bhaskar' and thereafter on 14.05.2020 in daily Hindi newspaper 'Hindustan' wherein it is published that the anti-social elements in collusion with the authority concerned have demolished the house of the petitioners.

Learned counsel for the State submits that the petitioners may be directed to file fresh representation annexing all the relevant documents before the respondent no.3-Sub-Divisional Officer, Lakhisarai and the Sub Divisional Officer, Lakhisarai would pass the order under Section 145 (iv) of the Cr.P.C.

After hearing the parties and considering the averment made by learned counsel for the State, petitioners are directed to file representation before the Sub Divisional Officer, Lakhisarai within two weeks from today, whereupon the respondent no. 3



shall pass a reasoned and speaking order within a period of four months thereafter. The authorities have also directed to restrain the respondent nos. 8 and 9 to not to demolish the house of the petitioners till date of status quo.

It is needless to mention here that respondent no. 3 will be solely responsible for non-compliance of the order passed by this Court within time, as aforesaid.

In the meantime, parties are directed to maintain status quo as existing today.

With the aforesaid observation and direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

devendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2020
Transmission Date	NA

