

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.209 of 2019

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Smt. Munni Devi Wife of Ranjeet Mandal, resident of Mohalla Katari Police Station- Chandauti, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar and Ors through the Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Magistrate, Sadar, Gaya.
4. The Deputy Superintendent of Police, Law and Order, Gaya.
5. The Circle Officer, Town (Gaya), District- Gaya.
6. The Officer In-Charge, Chandauti Thana, Gaya.
7. Ram Pravesh Yadav, Son of Late Babu Lal Yadav, resident of Mohalla- Baljori Bigha, Katari, Police Station- Chandauti, District- Gaya.
8. Sachin Yadav, Son of Sri Sidheshwar Yadav, resident of Mohalla- Baljori Bigha, Katari, Police Station- Chandauti, District- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Gauhar Ali
For the Respondent/s : Mr. S.K. Ghosarwe

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 10-11-2022 Heard Mr. Gauhar Ali, the learned Advocate

for the appellant and Mr. S.K. Ghosarwe, the learned

counsel for the State.

The appellant is a landlord of a shop in which

the respondent nos. 7 and 8 were tenants, who were

forcibly evicted and the shop was sealed at the instance



of the District Magistrate acting on the complaint of the appellant/landlord.

On the tenants having approached this Court against the sealing of the shop as it was unjustified in the absence of any notice to them or observance of due process of law in that regard, the learned Single Judge found the action of the District Magistrate to be completely bad in the eyes of law and directed for restoring the possession respondents (here in this appeal) of the shop in which they were tenants for a long time.

We have no reason to interfere with the order passed by the learned Single Judge, who was absolutely justified in directing for restitution of the shop to the respondent nos. 7 and 8, who were lawfully continuing as tenants. If at all the landlord/ appellant had desired to evict his tenants, she had to undergo the rigors of the law for evicting them, had they been non-compliant with the terms of the agreement.



The appeal stands dismissed but without any
order as to costs.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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