

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4062 of 2022

1. Sunil Kumar Das Son of Shankar Das Resident of Village- Bagha, Ward No.29, P.S.- Begusarai, District- Begusarai.
2. Md. Kalim Son of Late Suleman Resident of Village Mohanpur, Ward No.10, P.S.- Cheriya Bariyarpur, District- Begusarai.
3. Arjun Das Son of Bangali Das Resident of Village- Ashok Nagar, P.S.- Begusarai, Ward No.36, District- Begusarai.

... .. Petitioners

Versus

1. The State of Bihar through the District Magistrate, Begusarai.
2. The District Magistrate, Begusarai.
3. The Municipal Commissioner, Begusarai Municipal Corporation, District- Begusarai.
4. The Sub Divisional Officer, Begusarai Sadar, Begusarai.
5. The Circle Officer, Begusarai, District- Begusarai.
6. Sri Gopal Prasad Singh Janki Niwas, Ward No-30, Kachahari Road, P.S. and Distt- Begusarai.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Raj Dular Sah, Adv.
For the Respondent/s	:	Mr. Yogendra Pd. Sinha (AAG-7)
		Mr. Ravi Bhushan Verma

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 01-08-2022

The petitioners have filed the instant writ application with a prayer to direct the authorities to stop the process of demolition of shops situated in the southern side of JEMS hotel, Kachahri road, Begusarai on the ground that they



themselves got the shops repaired and they are paying proper rent to Ayodhya Prasad Singh Trust Estate Janki Niwas, Traffic Chowk, Begusarai.

In para-10 of the application, it has been stated that the Secretary of the Trust, namely, Ayodhya Prasad Singh sent a letter on 06.10.2020 to the Authorities of Municipal Corporation stating therein that Gopal Prasad cannot demolish the shops of the petitioners without permission of the Bihar Religious Trust, Bihar, Patna.

Apparently, the writ application is between private parties and the dispute, if any, is of civil nature. It is well settled that a writ petition is a remedy in public law which may be filed by any person where the main respondent should be either Government or Governmental agencies or a State or instrumentalities of a State within the meaning of Article 12 of the Constitution of India. The High Court can issue writ to any person under Article 226 of the Constitution of India, but the person against whom the writ would be issued must have statutory or public duty to perform.

In the instant case, a pure dispute of civil nature between private parties, is being agitated under the writ jurisdiction. Since the writ petition is not maintainable, we are



not inclined to entertain it.

It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

(Shailendra Singh, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03-08-2022
Transmission Date	NA

