

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14538 of 2022

Priyabrat Sinha, aged about 50 years, Gender- Male, son of Prabhu Deo Narayan Sinha, Resident of Sobrati Kabadi Lane, Badi Kanjarpur, P.S.- Barari, District- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna.
2. The Principal Secretary, Department of Urban Development and Housing Department, Bihar.
3. The District Magistrate, Bhagalpur.
4. The Superintendent of Police, Bhagalpur.
5. The Officer-in-Charge, P.S.- Barari, Bhagalpur.
6. The Bhagalpur Municipal Corporation, through the Commissioner.
7. The Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur.
7. The Executive Officer, Bhagalpur, Municipal Corporation, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	: Mr. Vikash Kumar Pankaj, Advocate Mr. Pratiyush Kumar, Advocate
For the Municipal Corporation:	Mr. Manish Kumar, Advocate
For the State	: Mr. AC to GA 3

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

2 17-11-2022 Heard Mr. Vikash Kumar Pankaj, learned counsel for the petitioner; Mr. Manish Kumar, learned counsel for the Bhagalpur Municipal Corporation and learned AC to GA 13 for the State.

2. The petitioner has moved the Court for the following reliefs:-

(I) *To issue Writ of Certiorari to set aside the Notice contained in Memo No. 2255 dated 24.08.2022 (Annexure-3) issued by*



Respondent No. 7 whereby the petitioner has been directed to vacate his shop situated at Khanjarpur Bargaach Chowk Rain Basera in Bhagalpur, within a week.

- (ii) *To issue Writ of Mandamus or any other appropriate Writ order direction directing the Respondents particularly Respondent No. 6, 7 & 8 to restrain from dispossessing the petitioner from the aforesaid shop.*

3. At the outset, learned counsel for the Bhagalpur Municipal Corporation submitted that the impugned order has been withdrawn vide Memo No. 3549/Bha Na Ni dated 16.11.2022, copy of which has been handed over to the Court. The same be kept on record. Let learned counsel also serve copy on learned counsel for the petitioner. From the same, it transpires that the two notices directing the petitioner to vacate the shop, in question, have been withdrawn.

4. In view thereof, the Court finds that the cause of action does not survive. Accordingly, the writ petition stands disposed of as infructuous.

5. It is observed that the withdrawal of the order will lead to logical consequences.

(Ahsanuddin Amanullah, J)

(Sunil Dutta Mishra, J)

J. Alam/-

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