

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.853 of 2023

1. Kamal Kumar Son of Late Bharginath Singh Resident of Ward No. 24, pathantoli, Old Bus Stand Chakmahila, P.S. Mehsaul, District-Sitamarhi, Pin-843302.
2. Mahadev Sharma Son of Late Parikshan Sharma Resident of Village-Mehsaul Got, P.S. Mehsaul, District Sitamarhi, Pin-843302.
3. Rajendra Prasad Son of Late Chitranjan Prasad Resident of Village-Old Bus Stand, Mehsaul Road, P.S. Mehsaul, District Sitamarhi, Pin-843302
4. Sabiya Khatoon W/o Abdul Sattar, Resident of Station Road Pathan Toli, P.S. Mehsaul, District Sitamarhi, Pin-843302.
5. Phaij Ali Son of Imdad Ali Resident of Village-Mehsaul Pathan Toli, P.S. Mehsaul, District Sitamarhi, Pin-843302.
6. Kabeer Ahmad Son of Md. Afaku Resident of Mehsaul Gote Pathan Toli, P.S. Mehsaul, District-Sitamarhi, Pin-843302.
7. Md. Kaushar Ansari Son of Usman Ansari Resident of Village-Mehsaul, P.S. Mehsaul, District-Sitamarhi, Pin-843302

... .. Petitioner/s

Versus

1. The State of Bihar through the Registrar Cooperative, Bihar, Patna.
2. The Sitamarhi Central Cooperative Bank Ltd. through its Managing Director, Dumra Sitamarhi.
3. The Executive Officer, Sitamarhi Central Cooperative Bank Ltd., Dumra, Sitamarhi.
4. The Collector, Sitamarhi.
5. The Superintendent of Police, Sitamarhi.
6. The Officer-in-Charge of Dumra Police Station, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.K.Thakur, Adv. Mr.Subodh Kumar, Adv.
For the Respondent/s	:	Mrs. Pushpanjali Sharma, Adv.
For the Cooperative Bank	:	Mr. Pusupendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-02-2023 The present writ petition has been filed
seeking the following reliefs:-

“1(i). For issuance of writ in the



appropriate nature commanding and directing the respondent authorities especially the Managing Director, Sitamarhi Central Cooperative Bank Ltd. not to disturb the peaceful possession of the petitioners as tenants as the petitioners are inducted as tenants and have paid rent for the aforesaid piece of land to the Sitamarhi Central Cooperative Bank Ltd. duly acknowledged by granting receipt and Respondent Central Sitamarhi Cooperative Bank Ltd. has jurisdiction to evict the petitioners from the land in question taking law in their hand by passing the settled law for eviction.

(ii) For further direction to the Respondent authorities Superintendent of Police to enquire into the matter that what the local police officer-in-charge of the concerned Police Station along with Manager, Sitamarhi Central Cooperative Bank Ltd. is frequently visiting on the spot and giving threat to these petitioners to vacate the land in question otherwise be evicted by force taking help of Bulldozer demolishing the same and accordingly after holding enquiry take appropriate action against the concerned Police Officer.

(iii) For further direction to the



Respondent authorities representation to of dispose of the petitioner by reasoned and speaking order within time frame after hearing of the party.

The learned counsel for the petitioners has, at the outset, sought liberty on behalf of the petitioners to avail such other remedies as are otherwise available under the law, however, seeks some protection during the interregnum period since a notice of eviction dated 20.1.2023 has been issued to the petitioners qua the shops in question.

Having regard to the fair stand taken by the learned counsel for the petitioners, the present writ petition stands disposed off as not pressed, however with liberty to the petitioners to avail such remedies, as are otherwise available under the law.

It is needless to state that in order to enable the petitioners to avail an efficacious remedy, it is directed that for a period of two weeks from today, status quo, existing as on today qua the shops in



question of the petitioners, shall be maintained.

(Mohit Kumar Shah, J)

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