

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1916 of 2023

1. Shankar Chauhan son of late Mahendra Prasad @ Mahendra Kumar resident of near Sapna Pan Shop, Pani Tanki, Mallahchak, P.S.- Jehanabad, District- Jehanabad.
2. Ram Chandra Rajak, son of late Chhotan Rajak, resident of near Pani Tanki, Mallahchak, P.S.- Jehanabad, District- Jehanabad.
3. Md. Faiyaj Alam @ Md. Faiyaj son of Md. Tezuddin @ Teju Miyan @ Teju Sah, resident of Nisha Sringar Store, near Pani Tanki, P.S.- Jehanabad, District- Jehanabad.
4. Jitendra Kumar Chauhan @ Jitendra Kumar, son of late Rajendra Prasad Chauhan, Ward No.- 15, Puja Electric Shop Mallahchak, P.S.- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Department of Urban Development and Housing, Government of Bihar, Patna.
2. The Commissioner Magadh Division.
3. The District Magistrate-cum- Collector, Jehanabad.
4. The Executive Officer, Nagar Parishad, Jehanabad.
5. The Special Officer of the than Jehanabad Nagar Palika, Jehanabad.
6. The Circle Officer, Jehanabad, District- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Chandra Shekhar, Adv.
For the Respondent/s : Mr.Abbas Haider (SC-6)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-09-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1.(i). To hold and declare the action of the respondents authorities demolishing the shop of the petitioners on a very short period of notice as illegal, capricious, malafide and unsustainable in the eye of law.



(ii). To declare the action of the respondents authorities as barbaric and pitiless, because they have demolish the shop of the petitioner on a very short notice amounting to no notice and without giving any opportunity to them, which is a clear cut violation of principle of natural justice.

(ii) To issue a writ in the nature of mandamus for a direction to the n respondents authorities to provide proper and suitable place that is adjacent south to demolished shop, measuring 6-7 decimil, in Mauza-Mdarpur, Unta, bearing Thana No.-393, Khata No. 30, Plot No. 406 of the petitioners so that they can be rehabilitated by constructing and run their shops to manage their livelihood.

(iv) To direct the respondent authorities to allow the petitioners to continue their business by constructing shops on vacant land on the adjacent and contiguous plot of the municipality.

(v) To hold that the agreement entered into between petitioners and municipality (the than Nagarpalika) shall be deemed to be renewed and extended by the action of the respondent municipality by accepting rent and granting receipt to the petitioners in respect to the subject matter of shops/ plots of the agreement.

(vi) To award an appropriate compensation to the petitioners because the respondents have demolished the shops of the petitioners on a very short notice and even then, when the petitioners are paying the rent to the municipalities and that is duly received by the municipal authorities.



(vii) To hold that the demolition of shops is the violation of clause 10 of the agreement, because in the said clause it is specifically mentioned that the Nagarpalika will have power to vacate the land/shop on 15 days notice, but in this case the authorities have demolished the shop on 24 hours notice.

viii) For a direction to the respondent authorities specially to the respondent no.3, to act upon on the letter no. 1591/5, dated 25.07.2022.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the Executive Officer, Jehanabad Municipality, Jehanabad for their rehabilitation in light of letter dated 25.07.2022, written by the Executive Officer, Jehanabad Municipality, Jehanabad. Liberty so sought is granted.

3. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

sonal/-

U			
---	--	--	--

