

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19323 of 2015

1. Md. Naushad son of Md. Wasil
2. Birendra Kumar Nayak @ Birendra Kumar son of Late Asharfi Nayak
3. Manoj Kumar Kasera son of Late Umesh Prasad Kasera
4. Surendra Kumar Thakur son of Sitaram Thakur
5. Md. Phul Babu son of Md. Shahabuddin
6. Kanhaiya Mandal son of Late Arun Mandal
7. Rohit Kumar Pandit son of Raj Kumar Pandit
8. Shafiuddin son of Late Md. Kutubuddin
9. Chhedi Mandal son of Late Arjun Mandal
10. Krishna Kumar Kasera son of Shambhu Kasera
11. Ajay Kumar Sah son of Rama Sah
12. Shankar Sah son of Kailash Sah All residents At P.O. P.S. - Nirmali, District - Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary/the Joint Secretary cum Director, Urban Development and Rehabilitation Depa
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Supaul.
5. The S.D.O. Nirmali, District - Supaul.
6. The Dy. S.P. Nirmali, District - Supaul.
7. The Executive Officer, Nagar Panchayat, Nirmali, District - Supaul.
8. The Circle Officer, Nirmali, District - Supaul.
9. The S.H.O. Nirmali, District - Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Shamimul Hoda
For the Respondent/s : Mr.Gp24- Anshuman Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-03-2023 The present writ petition has been filed seeking the
following reliefs:-



“1(i). For quashing/setting aside a general notice published in Hindustan Daily Hindi Newspaper on 15.11.2015 from the office of Respondent No.7, the Executive Officer, Nagar Panchayat, Nirmali, Supaul as contained in Memo No. 572/Nirmali dated 09.11.2015 by which it has been informed to general people that it has been decided to construct Market Complex (Shop) at the land of Rajaswa Hat that it has also been stated that the shop will be allotted to those persons who will deposit security money or the amount which will be used for the construction of the shop in shape of bank draft or cash.

It has also been stated that it will be constructed at Hatiya Chowk in the land appertaining to Khata No. 97, new Khesra No. 72 and Area 2.80 Acres, upon which the shop of the petitioners are running since long.

(ii). For quashing/setting aside the tender invitation notice No. 4-2015/2016 published in daily news-paper on 02.12.2015 for construction of shop at the above stated land in question.

(iii) For direction/directions to the respondents for disposal of the representation of the petitioners dated 21.11.2015 and 08.12.2015 in accordance of law.

(iv). For order/orders, direction/directions to the respondents do not interfere in the peaceful business of the petitioners at the above land in question.



(v) For issuance an appropriate writ / writs commanding the respondents to stay upon the general notice dated 15.11.2015 and tender inviting notice dated 02.12.2015 and announcement made upon the loudspeaker, declaring the petitioners as encroachers on 7 and 8 December, 2015 and further directed to vacate.”

At the outset, the learned counsel for the petitioners has submitted that the petitioners have filed representations both before the District Magistrate, Supaul and the Executive Officer, Nagar Panchayat, Nirmali, District-Supaul, hence, they be directed to first dispose off the same before evicting the petitioners from the shops in question. It is directed accordingly.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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