

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9693 of 2019

1. Md. Jamaluddin @ Jamaludin Son of Asraf Ali Resident of Village-Bara Telpa Chowk, P.S.-Town Thana, Saran, Chapra, being in Shop No.22/A, Sarkari Bazar, Chapra.
2. Suraj Prasad @ Suraj Kumar Son of Nandlal Prasad @ Suraj Kumar Resident of Village-Mainaneem, Daldali Bazar, P.S.-Town Thana, Saran, Chapra, being in Shop No.10/F, Sarkari Bazar, Chapra.
3. Gulam Haider Son of Md. Jamaluddin Resident of Village-Bara Telpa Chowk, P.S.-Town Thana, Saran, Chapra being in Shop No.22/B, Sarkari Bazar, Chapra.
4. Nandlal Prasad Son of Ram Prasad Resident of Village-Mainaneem, Daldali Bazar, P.S.-Town Thana, Saran, Chapra, being in Shop No.9/B, Sarkari Bazar, Chapra.
5. Akhilesh Kumar Son of Pradyuman Prasad Resident of Mohalla-Arya Nagar, Imamganj, P.S.-Town Thana, Chapra, Saran being in Shop No.4/A, Sarkari Bazar, Chapra.
6. Pradyuman Prasad Son of Gopaljee Prasad Resident of Mohalla-Arya Nagar, Imamganj, P.S.-Town Thana, Chapra, Saran being in Shop No.3/A, Sarkari Bazar, Chapra.
7. Vinod Kumar Son of Baijnath Prasad Resident of Village-Sahebganj Sonarpatti, P.S.-Town Thana, Chapra, Saran, being in Shop No.12/A, Sarkari Bazar, Chapra.
8. Bharat Prasad Gupta Son of Gulabchand Sah Resident of Mohalla-Arya Nagar, Imamganj, P.S.-Town Thana, Chapra, Saran being in Shop No.17/D, Sarkari Bazar, Chapra.
9. Shaila Devi W/o Bharat Prasad Resident of Mohalla-Arya Nagar, Imamganj, P.S.-Town Thana, Chapra, Saran being in Shop No.4/B, Sarkari Bazar, Chapra.
10. Laxmi Devi W/o Binay Kumar Gupta Resident of Mohalla-Arya Nagar, Imamganj, P.S.-Town Thana, Chapra, Saran being in Shop No.3B/D, Sarkari Bazar, Chapra.
11. Devendra Prasad Son of Satya Narayan Prasad Resident of Village-Chota Telpa Chowk, P.S.-Town Thana, Saran, Chapra being in Shop No.3C/D, Sarkari Bazar, Chapra.
12. Yogendra Prasad Son of Satya Narayan Prasad Resident of Village-Karhari Bagh, Arya Nagar, P.S.-Town Thana, Chapra, Saran being in Shop No.3A/D, Sarkari Bazar, Chapra.
13. Kusum Devi W/o Bharat Prasad Resident of Ward No.28, Sahebganj, Sonarpatti, P.S.-Town Thana, Chapra, Saran being in Shop No.6/A, Sarkari Bazar, Chapra.
14. Bharat Prasad Son of Gatilal Sah Resident of Village-Maina, P.S.-Town Thana, Saran, Chapra being in Shop No.9/F, Sarkari Bazar, Chapra.
15. Tarkeshwar Prasad Son of Suruj Sah Resident of Mahabir Sthan, Karhari Bagh, P.S.-Town Thana, Chapra, Saran being in Shop No.13/B, Sarkari



Bazar, Chapra.

16. Vinod Choudhary Son of Vishwanath Choudhary Resident of Sonarpatti Khanuwa, Sahebganj, Ward No.28, P.S.-Town Thana, Chapra, Saran being in Shop No.39/A, Sarkari Bazar, Chapra.
17. Lalita Devi W/o Motilal Gupta Resident of Bajrang Nagar, P.S.-Town Thana, Chapra, Saran being in Shop No.9/D, Sarkari Bazar, Chapra.
18. Surendra Prasad Son of Shivdhar Prasad Resident of Village-Maina Daldali Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.29/A, Sarkari Bazar, Chapra.
19. Harishankar Choudhary Son of Vishwanath Choudhary Resident of Village-Sonarpatti, Khunwa, Sahebganj, Ward No.28, P.S.-Town Thana, Chapra, Saran being in Shop No.36A/A, Sarkari Bazar, Chapra.
20. Nand Kishore Prasad Son of Chatti Lal Prasad Resident of Chotta Telpa, Lala Toli, P.S.-Town Thana, Chapra, Saran being in Shop No.31/A, Sarkari Bazar, Chapra.
21. Surendra Prasad Son of Ram Sewak Prasad Resident of near Dhobi Gali, Daldali Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.10/A, Sarkari Bazar, Chapra.
22. Bharat Prasad Son of Baijnath Sah Resident of Village-Chota Telpa, P.S.-Town Thana, Saran, Chapra being in Shop No.1/B, Sarkari Bazar, Chapra.
23. Raj Kishor Kumar Son of Shatrudhan Prasad Resident of near Shiv Mahal, Indra Nagar Sarkari Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.5/B, Sarkari Bazar, Chapra.
24. Kundan Kumar Son of Shatrudhan Kumar Resident of Indra Nagar Sarkari Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.5A/B, Sarkari Bazar, Chapra.
25. Tridev Kumar Son of Shatrudhan Prasad Resident of near Shiv Mahal, Indra Nagar Sarkari Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.7/B, Sarkari Bazar, Chapra.
26. Kamal Kumar Son of Ram Nath Prasad Resident of Indra Nagar Sarkari Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.6/F, Sarkari Bazar, Chapra.
27. Rajan Kumar Son of Ram Nath Prasad Resident of Indra Nagar Sarkari Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.21/F, Sarkari Bazar, Chapra.
28. Raj Kumar Prasad Son of Ram Nath Prasad Resident of Indra Nagar Sarkari Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.3/F, Sarkari Bazar, Chapra.
29. Dhurendra Prasad Son of Ram Lagan Sah Resident of Karimchak, P.S.-Town Thana, Chapra, Saran being in Shop No.2/B, Sarkari Bazar, Chapra.
30. Vijay Prasad Son of Nandlal Prasad Chourasiya Resident of Daldali Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.15A/B, Sarkari Bazar, Chapra.
31. Bharat Sah Son of Ganesh Sah Resident of 281, Daldali Bazar, Indra Nagar, P.S.-Town Thana, Chapra, Saran being in Shop No.10/E, Sarkari Bazar,



Chapra.

32. Nand Kishore Singh Son of Arjun Singh Resident of Newaji Tola, P.S.-Town Thana, Chapra, Saran being in Shop No.3/B, Sarkari Bazar, Chapra.
33. Md. Idrish Ansari Son of Isha Ansari Resident of Village-Bara Telpa, P.S.-Town Thana, Saran, Chapra being in Shop No.1/A, Sarkari Bazar, Chapra.
34. Keshav Prasad Son of Ram Pal Sah Resident of Village-Maina, P.S.-Town Thana, Chapra, Saran being in Shop No.1/E, Sarkari Bazar, Chapra.
35. Sunita Devi Son of Vinod Kumar Resident of 42, Sonarpatti, Sutapatti, Chik Toli, P.S.-Town Thana, Chapra, Saran being in Shop No.15/A, Sarkari Bazar, Chapra.
36. Raju Prasad Son of Shivnath Prasad Resident of Village-Maina, Daldali Bazar, P.S.-Town Thana, Saran, Chapra being in Shop No.13/A, Sarkari Bazar, Chapra.
37. Santosh Kumar Gupta Son of Bhuneshwar Prasad Resident of Maharani Sthan, Rupganj, P.S.-Town Thana, Chapra, Saran being in Shop No.8/D, Sarkari Bazar, Chapra.
38. Nand Kishore Son of Gopaljee Sah Resident of Kachahri Bagh, P.S.-Town Thana, Chapra, Saran being in Shop No.2/A, Sarkari Bazar, Chapra.
39. Ishwar Prasad Son of Kishun Sah Resident of Daldali Bazar, P.S.-Town Thana, Saran, Chapra being in Shop No.6/B, Sarkari Bazar, Chapra.
40. Sita Devi W/o Tribhuwan Sah Resident of Chota Telpa, Takima, P.S.-Town Thana, Chapra, Saran being in Shop No.30/PWD, Sarkari Bazar, Chapra.
41. Md. Ali Akbar Ansari Son of Md. Muslim Ansari Resident of Chota Telpa, P.S.-Town Thana, Chapra, Saran being in Shop No.28/A, Sarkari Bazar, Chapra.
42. Suresh Prasad Son of Mahesh Prasad Resident of Daldali Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.9/A, Sarkari Bazar, Chapra.
43. Nand Kishore Prasad Son of Mathura Sah Resident of Karimchak, P.S.-Town Thana, Chapra, Saran being in Shop No.9/E, Sarkari Bazar, Chapra.
44. Ashok Kumar Son of Raghunath Prasad Resident of Daldali Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.20A/B, Sarkari Bazar, Chapra.
45. Meera Devi W/o Umashankar Prasad Resident of Daldali Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.20B/B, Sarkari Bazar, Chapra.
46. Vinod Kumar Son of Baijnath Prasad Resident of Sahebjganj, Sonarpatti, P.S.-Town Thana, Chapra, Saran being in Shop No.14/F, Sarkari Bazar, Chapra.
47. Mahadev Prasad Son of Ritlal Sah Resident of 174, Maina, P.S.-Town Thana, Chapra, Saran being in Shop No.11-B, Sarkari Bazar, Chapra.
48. Bhola Kumar Sah Son of Ramji Prasad Resident of Sahebjganj, Sonarpatti, P.S.-Town Thana, Chapra, Saran being in Shop No.17/E, Sarkari Bazar, Chapra.
49. Piyush Kumar Son of Gopal Prasad Resident of near Narayan Palace, Daldali Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.18/D,



Sarkari Bazar, Chapra.

50. Rajesh Kumar Son of Bharat Prasad Resident of near Hanuman Mandir, Karhari Bagh, P.S.-Town Thana, Chapra, Saran being in Shop No.13/A, Sarkari Bazar, Chapra.
51. Gaurav Gupta Son of Mohan Prasad Gupta Resident of Telpa Dih, P.S.-Town Thana, Chapra, Saran being in Shop No.27/A, Sarkari Bazar, Chapra.
52. Pramod Kumar Son of Siya Ramji Prasad Resident of Ward No.9, Daulatganj, Bhagwan Bazar, P.S.-Town Thana, Chapra, Saran being in Shop No.38/A, Sarkari Bazar, Chapra.
53. Murari Prasad Son of Prahlad Prasad Resident of Ward No.28, Sahebganj, Suttapatti, P.S.-Town Thana, Chapra, Saran being in Shop No.34/A, Sarkari Bazar, Chapra.
54. Shyam Sunder Prasad Son of Ram Prasad Sah Resident of Maina Pakri, Moorti House, P.S.-Town Thana, Chapra, Saran being in Shop No.16A/F, Sarkari Bazar, Chapra.
55. Ashwani Kumar Son of Chandrika Choudhary Resident of Village-Chota Telpa, Saran, Chapra being in Shop No.24A/B, Sarkari Bazar, Chapra.
56. Ramji Prasad Son of Kewaldhari Sah Resident of Kamalpur, Maismara, Saran being in Shop No.2/D, Sarkari Bazar, Chapra.
57. Anil Kumar Gupta Son of Ganesh Prasad Resident of 44 Rauja, Chapra, Saran being in Shop No.25/A, Sarkari Bazar, Chapra.
58. Ajit Kumar Gupta Son of Muneshwar Prasad Gupta Resident of Roopganj, P.O.-Chapra Ratanpura, Magaoidih, Chapra, Saran being in Shop No.12/F, Sarkari Bazar, Chapra.
59. Meena Devi W/o Bhrigunath Resident of Daldali Nazar, Chapra, Saran being in Shop No.12A/D, Sarkari Bazar, Chapra.
60. Rajan Kumar Son of Moti Lal Prasad Resident of near Narayan Palace, Daldali Bazar, Chapra, Saran being in Shop No.9C/D, Sarkari Bazar, Chapra.
61. Dudhnath Prasad Son of Dineshwar Prasad Resident of in-front of Dr. Ram Babu, Daldali Bazar, Chapra, Saran being in Shop No.19/F, Sarkari Bazar, Chapra.
62. Lalan Prasad Son of Ram Avtar Sah Resident of Mother Teresa School, Arya Nagar, Chapra, Saran being in Shop No.5/A, Sarkari Bazar, Chapra.
63. Aekramuddin Son of Abdul Jabbar Resident of Ward No.16, Chatradhari Bazar, Chapra, Saran being in Shop No.2/F, Sarkari Bazar, Chapra.
64. Mukhta Sah Son of Kari Sah @ Saryug Sah Resident of Ward No.36, Karhari Bagh, Chapra, Saran being in Shop No.19/A, Sarkari Bazar, Chapra.
65. Rakesh Kumar Gupta Son of Jay Prakash Gupta Resident of Roopganj, Chapra, Saran being in Shop No.7/D, Sarkari Bazar, Chapra.
66. Bhrigunath Prasad Son of Kishun Sah Resident of Janak Niwas, Daldali Bazar, Chapra, Saran being in Shop No.12/D, Sarkari Bazar, Chapra.
67. Jitendra Kumar Choudhary Son of Ram Babu Choudhary Resident of Sahebganj, Sonarpatti, Ward No.28, Chapra, Saran being in Shop No.7/A,



Sarkari Bazar, Chapra.

68. Rajan Kumar Son of Lal Babu Prasad Resident of In-front of Dr. Ram Babu Singh, Daldali Bazar, Chapra, Saran being in Shop No.19/B, Sarkari Bazar, Chapra.
69. Raju Prasad Son of Shivnath Prasad Resident of Daldali Bazar, Chapra, Saran being in Shop No.13/D, Sarkari Bazar, Chapra.
70. Sita Devi W/o Shankar Sah Resident of Ward No.41, Bara Telpa, Chapra, Saran being in Shop No.5A/EB, Sarkari Bazar, Chapra.
71. Dina Nath Sah Son of Ram Nagina Sah Resident of Chota Telpa, Takiya, Chapra, Saran being in Shop No.13/F, Sarkari Bazar, Chapra.
72. Ajay Kumar Gupta Son of Vishwanath Prasad Resident of Ward No.14, Gali in-front of Hira Palace, Maina, Daldali Bazar, Chapra, Saran being in Shop No.17/B, Sarkari Bazar, Chapra.
73. Rajendra Prasad Son of Ram Prasad Resident of Daldali Bazar, Chapra, Saran being in Shop No.16/F, Sarkari Bazar, Chapra.
74. Nand Kishor Son of Gopaljee Sah Resident of Karhari Bagh, Chapra, Saran being in Shop No.8/20, Sarkari Bazar, Chapra.
75. Dharmveer Kumar Choudhary Son of Balram Choudhary Resident of Roopganj, Chapra, Saran being in Shop No.7A/A, Sarkari Bazar, Chapra.
76. Pankaj Kumar Son of Bharat Sharma Resident of Ward No.39, Chota Telpa, Chapra, Saran being in Shop No.15/E, Sarkari Bazar, Chapra.
77. Surya Vijay Singh Son of Indradeo Singh Resident of Telpa Road, Karhari Bagh, South of Mahabir Sthan, Chapra, Saran being in Shop No.20/A, Sarkari Bazar, Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. Chapra Municipal Corporation through its Municipal Commissioner, Chapra.
4. The Municipal Commissioner, Chapra Municipal Corporation, Chapra.
5. The Executive Officer, Chapra Municipal Corporation, Chapra.
6. The Sasakt Sthai Samittee, Chapra Municipal Corporation, Chapra.
7. The District Magistrate, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh, Advocate Ms. Vagisha Pragya Vacaknavi, Advocate Ms. Ankita Roy, Advocate
For the Respondent/s	:	Mr. Majid Hussain, Advocate
For the MC	:	Mr. Indu Bhushan, Advocate



CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 25-09-2023

Heard Mr. Binod Kumar Singh, learned counsel appearing on behalf of the petitioners, Mr. Indu Bhushan, learned counsel for the Chapra Municipal Corporation and Mr. Majid Hussain, learned counsel for the State.

2. The petitioners claimed to be petty shopkeepers, who have been coming in possession of the shops, in question, in Municipal Market (Sarkari Bazar) constructed by Chapra Municipality, preferred the present writ application seeking a direction commanding upon the respondents, especially, Respondent No. 3 – Chapra Municipal Corporation, to restrain them from forcibly evicting and demolishing the existing shops of Municipal Market, which are in lawful occupation of the petitioners.

3. It is submitted that the petitioners have been continuously coming in possession of the shops, in question, for more than 4-5 decades. Earlier also, in the year 1983-1984 notices were issued by the respondent corporation to evict the shop and on being aggrieved, the shopkeepers moved before this Court and the Hon'ble Court vide order dated 16.02.1984 directed the authorities of the respondent corporation not to evict the shopkeepers forcefully and liberty was given to start



appropriate proceeding for this purpose.

4. Now, the only apprehension of the petitioners is that they may not be subjected to forcible eviction from their shops, without recourse to a legal proceeding, in view of the public notice.

5. Mr. Singh, learned counsel for the petitioners further drew the attention of this Court, to the order passed by learned co-ordinate Bench of this Court in CWJC No. 12027 of 2019, wherein while disposing the identical writ petition, relates to other shopkeepers of same market of the Chapra Municipality, has been pleased to hold, that any eviction shall only be done after issuing notice individually to the occupants/writ petitioners, whereafter the matter shall be taken to its logical conclusion in accordance with law.

6. Now, the relief of the petitioners is also confined to the similar protection.

7. Per contra, learned counsel representing the Municipal Corporation Chapra submits that in fact a decision has been taken by the Empowered Standing Committee, to construct a super market and in case the market would be constructed, shops would be allotted in favour of the petitioners, as has also been averred in paragraph 11 of the counter affidavit.



He next submits that it is obvious that eviction can be done only after issuing notice individually to the occupants/writ petitioners and in this regard, the Corporation will take initiatives in accordance with law.

8. Considering the submissions made on behalf of the parties and taking note of the order passed by the learned co-ordinate Bench in identical matter, the present writ application stands disposed of in terms of the order of the learned co-ordinate Bench passed in CWJC No. 12027 of 2019.

9. It is needless to observe that any proceeding of eviction must be preceded by issuance of notice individually to the occupants/writ petitioners before coming to its logical conclusion in accordance with law.

10. Till then, the status quo as existing today shall be maintained.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.10.2023.
Transmission Date	NA

