

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9285 of 2022

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Anil Kumar Bhagat, Son of Ram Bahadur Bhagat, proprietor of M/S Bhagat Audio Video Caskets, Station Road Balia, P.S. Balia, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Begusarai, District Begusarai.
3. The Superintendent of Police, Begusarai, District Begusarai.
4. The Sub Divisional Officer, Balia, P.S. Balia, District Begusarai.
5. The Circle Officer, Balia, P.S. Balia, District Begusarai.
6. The Balia Vyapar Sahyog Samiti Ltd. through the Chairman, Registration No. 9, Begusarai, 1963, P.O. Lakhmaniya, P.S. Balia, District- Begusarai.
7. The Chairman, Balia Vyapar Sahyog Samiti Ltd., Registration No. 9, Begusarai, 1963, Post Lakhmaniya, P.S. Balia, District Begusarai.
8. The Manager, Balia Vyapar Sahyog Samiti Ltd., Registration No. 9, Begusarai, 1963, Post Lakhmaniya, P.S. Balia, District Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-04-2023 The present writ petition has been filed seeking the following reliefs:-

“1 I. That the present writ application is being filed in the nature of Certiorari for quashing the notice dated 04.06.2022 (Annexure-P/7) issued under the signature of Circle Officer, Balia by which the petitioner has been issued notice to appear on 25.06.2022 at 11:30 AM on the ground that there is no discretion with



regard to the details of land described in the said notice, as per the knowledge derived, there is no description with regard to details of the shop, there is no jurisdiction to the Circle Officer, Balia for evicting a person as per Bihar Buildings (Lease Rent & Eviction) Control Act, hereinafter referred as Act.

II. That the present writ application is being filed in the nature of Mandamus for a direction to the District Magistrate, Begusarai as well as Superintendent of Police, Begusarai to provide police protection in relation to Shop No. 6, situated in Mauja-Balia, Lakhminiya, Thana No. 527, Tauji No. 8784, Khata No. 107, Plot No. 1938 having boundary as North-Green Medical Hall, South-Anjani Kumar Singh, East- Station Road, West-Arshad Shop; on the ground the petitioner is under peaceful possession of the said shop for last 28 years.

III. That the present writ application is being filed in the nature of Mandamus for a direction to Chairman, Balia Bazar Vyapar Mandal Sahyog Samiti Ltd. and Manager, Balia Bazar Vyapar Mandal Sahyog Samiti Ltd. to issue further rent receipt in the name of the petitioner in



relation to shop no. 6 situated at Mauja-Balia, Lakhminiya, Thana No. 527, No 8784, Khata No. 107. Plot No. 1938 on the ground that the petitioner has been in the possession of the said shop for last 28 years having knowledge and with the consent of the Vyapar Mandal”

At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law, for redressal of the aforesaid grievances.

Liberty so sought is granted.

The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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