

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13015 of 2022

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Arun Kumar son of Late Ramji Prasad Singh @ Ramji Prasad Sharma
Resident of G.B. Road Near Kedar Nath Market Gaya P.S. Civil Lines
District- Gaya, At present House No. B/152 3rd Floor Opposite Mother Diary,
Pandey Nagar Delhi- 92 Laxmi Nagar, East Delhi - 110092.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Gaya.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Gaya.
4. The Commissioner Municipal Corporation, Gaya.
5. Pintu Kumar son of Ganesh Singh resident of Tutbari, Sinha Bhawan, P.S.-
Kotwali, District- Gaya.
6. Arvind Singh son of Late Ranbeer Singh, Resident of Sheopuri Colony P.S.-
Moffasil District- Gaya.
7. Kamlesh Kumar son of Shyam Sundar Singh, Resident of Ganga Mahal
Near Chandrashekhar Janta College P.S. Kotwali, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha, Advocate
For the Respondent/s : Mr.Abbas Haider (SC 6)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-05-2023 The present writ petition has been filed seeking the
following relief :-

*“ (i) For issuance of an appropriate writ
order or direction directing the Respondents
to give protection to the life and property of
the petitioner guaranteed under Article 21
and 300A of the constitution of India over the
land of Khata No. 390 plot No. 248/10618
having an area of 1600 square feet consisting
residential house situated in ward No. 4/14,*



Holding No. 32 PID No. 1201044143 Bahid Road (G.B. Road) in the town and District of Gaya which is ancestral land and house of the petitioner and the petitioner is coming in peaceful possession since about 40 years which is residential house and has become in dilapidated condition to which the petitioner wants to demolish the same and to construct new residential house which is sought to be obstructed and creating nuisance by Respondents no. 5 to 7 without any authority of law and without any rhyme and reason being muscles man having connection with antisocial elements and on objection threatening the petitioner for dire consequences and putting obstruction in demanding the dilapidated house of the petitioner which is dangerous to life and not fit for residence to the petitioner when the land in question has been mutated in the name of the petitioner before the revenue records of right and a holding was also to created by the Municipal Corporation Gaya and despite several applications before the authority concerned the S.D.O. Sadar Gaya for removal of nuisance from the land and house of the petitioner but nothing is being done and the petitioner is being deprived from his valuable property at the hands of Respondents and as such the action of the



Respondents is not permissible in law and thus vitiated and also for direction to the S.D.O. Sadar Gaya to dispose of the application filed by the petitioner under section 133 Cr.P.C. in the year 2021 for initiation of proceeding under section 133 Cr.P.C. against Respondents no. 5 to 7 for removal of nuisance.”

After some arguments, 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. Liberty so sought, is granted.

The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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