

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6312 of 2022

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1. Md. Sabir Ansari, son of Late Md. Jahur, Resident of Village/Mohalla-Raipatti, P.O. and P.S.-Dighwara, District-Saran at Chapra.
 2. Ashok Singh @ Ashok Kumar Singh, son of Late Deonath Singh, Resident of Village/Mohalla-Dighwara, P.O. and P.S.-Dighwara, District-Saran at Chapra.
 3. Md. Shakil @ Md. Shakil Ansari, son of Motalib, Resident of Village/Mohalla-Hematpur Dighwara, P.O. and P.S.-Dighwara, District-Saran at Chapra.
 4. Mehrun Nisha @ Mehru Nisha, Wife of Late Md. Bashir Miyan, Resident of Village/Mohalla-Hematpur Dighwara, P.O. and P.S.-Dighwara, District-Saran at Chapra.
 5. Raj Kishore Prasad, son of Late Raghubir Prasad, Resident of Village/Mohalla-Hematpur Dighwara, P.O. and P.S.-Dighwara, District-Saran at Chapra.
 6. Smt. Pushpa Devi, Wife of Jai Prakash @ Jai Prakash Gupta @ Jai Prakash Sah, Resident of Village/Mohalla-Hematpur Dighwara, P.O. and P.S.-Dighwara, District-Saran at Chapra.
 7. Shailendra Singh @ Shailendra Kumar Singh, son of Late Jamuna Singh @ Yamuna Singh, Resident of Village/Mohalla-Raipatti Dighwara, P.O. and P.S.-Dighwara, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development, Government of Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Saran at Chapra.
4. The District Engineer, District Board, Saran at Chapra.
5. The Assistant Engineer, District Board, Saran at Chapra.
6. The Junior Engineer, District Board, Saran at Chapra.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11944 of 2022

1. Hira Pandit S/o Late Rameshwar Pandit @ Ram Ishwar Pandit, a resident of Village and P.O. and P.S.-Dighwara, District-Saran.
2. Ajay Kumar s/o Late Jaiprakash Sah @ Jaiprakash Gupta, residing at Nakti Devi Road, Dighwara, Ward No. 15, P.O. and P.S.-Dighwara, District-Saran.
3. Balwant Kumar S/o Sri Vijay Prasad a resident of Near Railway Station, Ward No. 14, Village and P.O. and P.S.-Dighwara, Dist.-Saran (Chapra).



4. Kailash Prasad S/o Late Nandu Sah @ Nandu Prasad, residing at Nakti Devi Road, Dighwara, Ward no. 15, P.O. and P.S.-Dighwara, District-Saran.
5. Sonu Kumar S/o Sri Paras Nath Gupta, a resident of Village and P.O. and P.S.-Dighwara, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Saran at Chapra.
4. The District Engineer, Zila Parishad, Saran at Chapra.
5. The Assistant Engineer, Zila Parishad, Saran at Chapra.
6. The Junior Engineer, Zila Parishad, Saran at Chapra.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12258 of 2022

1. Arun Kumar S/o Sri Ram Lakhan Sah @ Lakhan Prasad @ Lakhan Prasad Sah a resident of Village and P.O. and P.S.- Dighwara, District- Saran.
2. Suraj Kumar S/o Late Paras Nath Gupta @ Paras Nath Residing at Near Railway Station, Dighwara, P.O. and P.S.- Dighwara, District- Saran.
3. Sanjay Kumar Gupta S/o Late Jay Prakash @ Jai Prakash Gupta @ Jai Prakash Sah Residing at Nakti Devi Road, Dighwara, Ward No. 15, P.O. and P.S.- Dighwara, District- Saran.
4. Tarkeshwar Prasad S/o Late Nandu Sah Residing at Nakti Devi Road, Dighwara, Ward No. 15, P.O. and P.S.- Dighwara, District- Saran.
5. Vijay Prasad S/o Late Kishori Prasad @ Kishori Sah a resident of Village and P.O. and P.S.- Dighwara, District- Saran.
6. Rambabu Prasad S/o Late Raghunath Prasad @ Raghunath Sah residing at Shankarpur, Nakti Devi Road, Dighwara, Ward No. 15, P.O. and P.S.- Dighwara, District- Saran.
7. Kamal Thakur S/o Sri Shankar Thakur a resident of Village- Malkhachak, Barua, P.O. and P.S.- Dighwara, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Saran at Chapra.



4. The District Engineer, Zila Parishad, Saran at Chapra.
5. The Assistant Engineer, Zila Parishad, Saran at Chapra.
6. The Junior Engineer, Zila Parishad, Saran at Chapra.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 12437 of 2022

Bhola Prasad S/o Late Virendra Prasad @ Birendra Sah, Resident of Village-
Mirpur, Bhuaal, P.O. and P.S.- Dighwara, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development
Department, Government of Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila
Parishad, Saran at Chapra.
4. The District Engineer, Zila Parishad, Saran at Chapra.
5. The Assistant Engineer, Zila Parishad, Saran at Chapra.
6. The Junior Engineer, Zila Parishad, Saran at Chapra.
7. Munna Soni S/o Late Gauri Shankar Prasad, a resident of Shankarpur Road,
P.O. and P.S.- Dighwara, District- Saran.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 12607 of 2022

Radhe Shyam Pandit S/o Late Jira Pandit, Resident of Village- Naya Tola
Basatpur, P.O. and P.S.- Dighwara, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development
Department, Government of Bihar, Patna.
2. The District Magistrate, Saran Chapra.
3. The Deputy Development Commissioner-cum-then Chief Executive Officer,
Zila Parishad, Saran at Chapra.
4. The Additional Collector-cum-Chief Executive Officer, Zila Parishad, Saran
at Chapra.
5. The District Engineer, Zila Parishad, Saran at Chapra.
6. The Assistant Engineer, Zila Parishad, Saran at Chapra.
7. The Junior Engineer, Zila Parishad, Saran at Chapra.



8. Munna Soni S/o Late Gauri Shankar Prasad, Resident of Shankarpur Road, P.O. and P.S.- Dighwara, District- Saran.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13080 of 2022

1. Pramod Kumar @ Pramod Singh Son of Late Murlidhar Singh @ Murli Singh, Resident of Village-Dighwara, P.S.-Dighwara, District-Saran at Chapra (Bihar).
2. Harikeshwar Bhagat @ Harkeshwar Prasad Bhakta, son of Satyanarayan Bhakta @ Satyanarayan Bhagat, Resident of Village/Mohallah-Basatpur, P.S.-Dighwara, District-Saran at Chapra (Bihar).
3. Md. Wahid Hassan @ Wahid Hassan, Son of Mohammad Sagir Hassan, Resident of Village/Mohallah-Hematpur, P.S.-Dighwara, District-Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The District Magistrate, Saran, District-Saran at Chapra (Bihar).
3. The Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Saran at Chapra, District-Saran at Chapra (Bihar).
4. The District Engineer, District Board, Saran at Chapra, District-Saran at Chapra (Bihar).
5. The Assistant Engineer, District Board, Saran at Chapra, District-Saran at Chapra (Bihar).
6. The Junior Engineer, District Board, Saran at Chapra, District-Saran at Chapra (Bihar).

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13083 of 2022

1. Bharat Prasad Chaurasia @ Bharat Prasad S/o Ram Ayodhya Prasad Resident of Bastpur, P.S.- Dighwara, District- Saran at Chapra.
2. Md. Isahak Kuraishi @ Md. Isahak @ Mohammad Isahak S/o Late Md. Nabi Hussain Resident of Village/Mohalla- Shankarpur Road Dighwara, P.S.- Dighwara, District- Saran at Chapra.
3. Shambhu Prasad Chaurasia S/o Late Ram Sharan Bhagat Resident of Village- Basatpur, P.S.- Dighwara, District- Saran at Chapra.
4. Ashok Singh S/o Chandrama Singh Resident of Village- Raipatti Dighwara, P.S.- Dighwara, District- Saran at Chapra.



5. Dinesh Prasad @ Dinesh Bhagat S/o Late Ramnath Bhagat Resident of Village- Basatpur, P.S.- Dighwara, District- Saran at Chapra.
6. Sunil Kumar Sharma @ Sunil Sharma S/o Chandradeep Sharma @ Tuntun Sharma Resident of Village/Mohalla- Ambedkar Chowk, P.S.- Dighwara, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development, Government of Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Saran at Chapra.
4. The District Engineer, District Board, Saran at Chapra.
5. The Assistant Engineer, District Board, Saran at Chapra.
6. The Junior Engineer, District Board, Saran at Chapra.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 13875 of 2022

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1. Rajan Sah S/o Late Devilal Sah, a resident of Village and P.O.- Mujauna, P.S.- Dariyapur, District- Saran.
2. Ashok Kumar @ Ashok Sah @ Ashok Kumar Sah S/o Late Shivchandra Sah, a resident of Village- Mohan Kothiyan, P.O.- Mujauna, P.S.- Dariyapur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Additional Collector-cum- Chief Executive Officer, Zila Parishad, Saran at Chapra.
4. The then Deputy Development Commissioner-cum- Chief Executive Officer, Zila Parishad, Saran at Chapra.
5. The District Engineer, Zila Parishad, Saran at Chapra.
6. The Assistant Engineer, Zila Parishad, Saran at Chapra.
7. The Junior Engineer, Zila Parishad, Saran at Chapra.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 14547 of 2022

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1. Naushad Hussain @ Naushad son of Afzal Hussain, Resident of Village- Jalalpur, P.O.- Methwaliya, P.S.- Dighwara, District- Saran at Chapra (Bihar) Presently residing at House No. 564G Nyay Khand-I, Sipra Sun City, Indrapuram, P.S.- Gaziabad, District- Gaziabad (U.P.).
2. Asfaque Ahmed @ Md. Ashfaque Ahmed Son of Ash Mohammad, Resident of Village/ Mohallah- Saidpur Bagahi Tola, P.O.- Dighwara, P.S.- Dighwara, District- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The District Magistrate, Saran, District-Saran at Chapra (Bihar).
3. The Chief Executive Officer, District Board, Saran at Chapra, District- Saran at Chapra (Bihar).
4. The District Engineer, District Board, Saran at Chapra, District- Saran at Chapra (Bihar).
5. The Assistant Engineer, District Board, Saran at Chapra, District- Saran at Chapra (Bihar).
6. The Junior Engineer, District Board, Saran At Chapra, District- Saran at Chapra (Bihar).

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14647 of 2022

1. Md. Sabir Hussain @ Mohammad Sabir Hussain Son of Md. Nabi Hussain @ Navihassan Miyan, Resident of village- Hematpur, P.S.- Dighwara, District- Saran at Chapra (Bihar)
2. Ashfaque Ansari Son of Md. Nurul Hoda, Resident of Village/Mohallah- Saidpur, P.S.- Dighwara, District- Saran at Chapra (Bihar)
3. Md. Dr. A. NU. Haque @ Ainul Haque Ansari @ Ainul Haque, Son of Abdul Gani Miyan @ Abdul Gani, Resident of Village/Mohallah- Raipatti, P.S.- Dighwara, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Department of Bihar, Patna.
2. The District Magistrate, Saran, District- Saran at Chapra (Bihar)
3. The Deputy Development Commissioer- Cum- Chief Executive Officer, District Board, Saran at Chapra, District- Saran at Chapra (Bihar)
4. The District Engineer, District Board, Saran at Chapra, District- Saran at Chapra (Bihar)
5. The Assistant Engineer, District Board, Saran at Chapra, District- Saran at



Chapra (Bihar)

6. The Junior Engineer, District Board, Saran at Chapra, District- Saran at Chapra (Bihar)

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15717 of 2022

1. Muhammad Khalil @ Md. Khalil Son of Mohammad Lukman Miyan Resident of Village- Mirpur Bhual, P.S.- Dighwara, District- Saran at Chapra (Bihar).
2. Shabbas Ansari @ Md. Shabbas Ansari @ Md. Shabbas Son of Md. Iliyas @ Iliyas Miyan Resident of Village/Mohalla- Saidpur, P.S.- Dighwara, District- Saran at Chapra (Bihar).
3. Md. Akhlaque Ansari @ Akhlakh Ansari Son of Md. Kamrul Hoda Resident of Village/ Mohallah- Saidpur Tola Bagahi, P.S.- Dighwara, District- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The District Magistrate, Saran, District- Saran at Chapra (Bihar).
3. The Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Saran at Chapra, District- Saran at Chapra (Bihar).
4. The District Engineer, District Board, Saran at Chapra, District- Saran at Chapra (Bihar).
5. The Assistant Engineer, District Board, Saran at Chapra, District- Saran at Chapra (Bihar).
6. The Junior Engineer, District Board, Saran at Chapra, District- Saran at Chapra (Bihar).

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15722 of 2022

1. Faiz Ashraf @ Faiz Ashraf Muntaha Son of Mohammad Sabir Hussain, Resident of Village-Hematpur, P.O.-Dighwara, P.S.-Dighwara, P.S.- Dighwara, District-Saran at Chapra (Bihar).
2. Shahjadi Khatoon Wife of Jakr Hussain, Resident of Village/ Mohallah- Dighwara, P.O.-Dighwara, P.S.Dighwara, District-Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development



Department, Government of Bihar, Patna.

2. The District Magistrate, Saran, District-Saran at Chapra (Bihar).
3. The Chief Executive Officer, District Board, Saran at Chapra, District-Saran at Chapra (Bihar).
4. The District Engineer, District Board, Saran at Chapra, District-Saran at Chapra (Bihar).
5. The Assistant Engineer, District Board, Saran at Chapra, District-Saran at Chapra (Bihar).
6. The Junior Engineer, District Board, Saran at Chapra, District-Saran at Chapra (Bihar).

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 6312 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Subhash Pd. Singh (Ga3)

(In Civil Writ Jurisdiction Case No. 11944 of 2022)

For the Petitioner/s : Mr. Nitesh Kumar

For the Respondent/s : Mr. Kinkar Kumar (Sc9)

(In Civil Writ Jurisdiction Case No. 12258 of 2022)

For the Petitioner/s : Mr. Nitesh Kumar

For the Respondent/s : Mr. Yogendra Pd. Sinha (Aag7)

(In Civil Writ Jurisdiction Case No. 12437 of 2022)

For the Petitioner/s : Mr. Nitesh Kumar

For the Respondent/s : Mr. Yogendra Pd. Sinha (Aag7)

(In Civil Writ Jurisdiction Case No. 12607 of 2022)

For the Petitioner/s : Mr. Nitesh Kumar

For the Respondent/s : Mr. Yogendra Prasad Sinha (Aag 7)

(In Civil Writ Jurisdiction Case No. 13080 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Kinkar Kumar (Sc 9)

(In Civil Writ Jurisdiction Case No. 13083 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Yogendra Prasad Sinha (Aag 7)

(In Civil Writ Jurisdiction Case No. 13875 of 2022)

For the Petitioner/s : Mr. Nitesh Kumar

For the Respondent/s : Mr. Yogendra Prasad Sinha (Aag 7)

(In Civil Writ Jurisdiction Case No. 14547 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Abbas Haider (Sc 6)

(In Civil Writ Jurisdiction Case No. 14647 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Yogendra Prasad Sinha (Aag 7)

(In Civil Writ Jurisdiction Case No. 15717 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Kinkar Kumar (Sc 9)

(In Civil Writ Jurisdiction Case No. 15722 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Kinkar Kumar (Sc9)



**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

12 09-01-2023 Heard the learned counsel for the parties.

All the writ petitions have been taken up together and are being disposed of by this common order.

Almost all the writ petitioners in these petitions had been running their shops in the public building constructed by the Zila Parishad of the District Saran. Many writ petitions and Public Interest litigation petitions were filed, some for removal of encroachment and some for vindication of their rights to retain their shops in the old building.

According to the affidavit of the Zila Parishad, Saran, which has been pressed today, except for three of the writ petitioners in C.W.J.C. No. 6312 of 2022, all other writ petitioners in all the petitions have been granted shops in the new Zila Parishad building.

Mr. Jagarnath Singh, learned Advocate for some of the writ petitioners, has submitted that this grant of shops to them does not fully satisfy their grievance as they were



allotted different shops than those which they had been operating from before.

Such submission is not tenable/acceptable for the reason that earlier occupation of the shops was without any valid document but only because of the permissive approach of the Zila Parishad.

Be that as it may, so no specific right accrues to any of the writ petitioners to have a shop of his choice and that also when, earlier, most of them were found to be encroachers in other proceedings.

Thus all the writ petitions are being disposed of as having become infructuous.

So far as the three writ petitioners in C.W.J.C. No. 6312 of 2022 are concerned, viz. Md. Shakil @ Md. Shakil Ansari, son of Motalib; Mehrun Nisha @ Mehru Nisha, Wife of Late Md. Bashir Miyan and Shailendra Singh @ Shailendra Kumar Singh, son of Late Jamuna Singh @ Yamuna Singh, their claim, it has been urged on behalf of the Zila Parishad, shall be considered favourably in the new building of the Zila Parishad which is about to be completed. There is no reason why the Zila Parishad will



keep only three of them, out of so many, dissatisfied. There is a specific statement in the counter affidavit that all shops in the building have been occupied and there is no vacant shop as on date.

Accepting the statement of the Zila Parishad, this Court disposes of the writ petition of the aforementioned three writ petitioners also in C.W.J.C. No. 6312 of 2022 by directing that in case the construction of the new building is completed and the shops are let out, they shall get preference over others.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Rishi.Kr/-

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