

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17432 of 2023

1. Rajendra Singh Son of Late Charan Singh, Resident of M/S Bhargo Saw Mill Compound, Mithapur, P.S. Jakkanpur, District - Patna.
2. Rashmeet Singh Son of Rajendra Singh, Resident of M/S Bhargo Saw Mill Compound, Mithapur, P.S. Jakkanpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Municipal Commissioner, Patna Municipal Corporation, Patna.
3. The District Collector, Patna.
4. The Additional Collector, Patna.
5. The Executive Engineer, Patna City Building, Division, Gulzarabagh, Patna.
6. The Sub-Divisional Officer, Patna City, Patna.
7. The Executive Officer, Patna City Circle, Patna Municipal Corporation, Patna.
8. The Senior Deputy Collector, District Revenue, Patna.
9. The Circle Officer, Patna Sadar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Mistry, Advocate
For the Respondent/s	:	Mr. Prabhat Kumar, Advocate
		Mr. Shailendra Kumar Dwivedi, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 12-12-2023

Heard Mr. Vinay Mistry, learned counsel appearing
on behalf of the petitioners; Mr. Prabhat Kumar, learned counsel
appearing on behalf of the State and Mr. Shailendra Kumar
Dwivedi, learned counsel for the P.M.C.



2. The petitioners have filed the writ petition for following relief(s):

“i) For issuance of a writ in the nature of mandamus directing the District Collector, Patna-Respondent No. 3 to pay compensation of Rs. 15,14,000/- due to illegal demolition of the building to the petitioners in terms of the decision taken in the minutes convened on 27.03.2023 (Annexure-2) under the Chairmanship of the District Collector, Patna for which the petitioners have already filed a detailed representation before the District Magistrate, Patna on 14.07.2023 (Annexure-3) and the same is still pending for consideration in the facts and circumstances of this case.

ii) For issuance of other writ(s) order(s) direction(s) as your Lordships may deem fit and proper in the facts and circumstances of this case.”

3. The only grievance of the petitioner in the present writ petition is that in spite of the decision taken by the Committee comprising of Circle Officer, Patna Sadar, Senior Deputy Collector, District Revenue, Patna and Deputy Collector, Patna headed by the Collector, Patna, that expeditious steps be taken with respect to compensate the petitioners an amount of Rs. 15,14,000/- pursuant to the order dated 13.03.2023 passed in CWJC No. 18494 of 2018, the petitioners have not been paid the amount of compensation.

4. It has been informed by learned counsel appearing on behalf of the petitioners that the writ petitions earlier to the present writ petition being CWJC No. 18494 of 2018 and CWJC No. 7883 of 2021 have been admitted and



pending before this Court. Though the petitioners have given information with respect to the two writ petitions and have also stated that the said writ petitions have been admitted by this Court on 11.04.2023. However, he has not given any pleading or relief sought for in those writ petitions, which have been admitted by this Court.

5. Learned counsel appearing on behalf of the State and Patna Municipal Corporation are present and have submitted that it is admitted that vide Committee meeting dated 27.03.2023, which was headed by the Collector, Patna, Committee had resolved to make payment of the due amount as determined by the inspecting team comprising of Executive Engineer, Patna City Building Division, Gulzarbagh. The amount has been fixed for a total area of 630.87 square feet to be Rs. 15,14,000/- for which expeditious steps for payment have been taken.

6. Considering the aforesaid fact, the mere pendency of the two writ petitions being CWJC No. 18494 of 2018 filed by the son of the petitioner no. 1 of the present writ petition, namely, Rashmeet Singh and CWJC No. 7883 of 2021, filed by petitioner no. 1, namely, Rajendra Singh, in which they have claimed for compensation, but in absence of any



determination of the amount of compensation pursuant to the direction passed in CWJC No. 18494 of 2018, the authorities have proceeded to measure the area of the shop, which was demolished and have now fixed the amount of compensation payable to the petitioners. I am of the opinion that this writ petition is required to be disposed of taking into consideration the fact that already much damage has been caused to the petitioners in course of demolition of an old government building situated adjacent to the shop of the petitioners.

7. The amount fixed by the committee is required to be paid expeditiously to the petitioners, which will be subject to the final outcome of the two writ petitions as mentioned above.

8. The District Magistrate, Patna, is directed to take steps to ensure payment of the amount fixed by the Committee, which was headed by him expeditiously.

9. At this stage, learned counsel appearing on behalf of the State has referred to paragraph no. 19 of the writ petition, wherein, the petitioners have stated that the petitioners of the two writ petitions as mentioned above, who are father and son, are ready to withdraw the respective writ petitions.

10. The petitioners, if so advised, may take steps to



do that.

11. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A
Uploading Date	13.12.2023
Transmission Date	N.A

