

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.900 of 2024

1. Gopal Prasad S/o Hiralal Sah, R/o Ahirpurwa, P.S.- Ara Town, District- Bhojpur, Bihar.
2. Vijay Kumar Gupta, S/o Sakalu Sah, Resident of Village- Ahirpurwa, Ward No. 29, P.S.- Ara Town, District- Bhojpur, Bihar.
3. Ramkaliya Devi, W/o Amak Yadav, Resident of Village- Ahirpurwa, Ward No. 29, P.S.- Ara Town, District- Bhojpur, Bihar.
4. Rashmi Kumari, W/o Rajiv Kumar Sinha, R/o Karman Tola, P.S.- Ara Nawada, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Vishwasraiya Bhawan, Baily Road, Patna.
2. The Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Vishwasraiya Bhawan, Baily Road, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Bhojpur, Ara, Bihar.
5. The District Land Acquisition Officer, Bhojpur, Ara, Bihar.
6. The Additional District Magistrate, Bhojpur, Ara, Bihar.
7. The Sub Divisional Officer, Bhojpur, Ara, Bihar.
8. The Circle Officer, Ara Circle, Bhojpur, Ara, Bihar.
9. The Executive Engineer, Road Construction Dept., Shahabad Road Division, Bhojpur, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Raghwanand, GA-11
		Mr.Rajnish Shandilya, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) To issue an appropriate writ, order or direction



instituting a high level Inquiry for the demolition of the part of structures of the petitioner including Boundary walls of the petitioner No-1 and 2 without any show cause, notice or proceeding as against the petitioners.

(ii) To issue an appropriate writ, order or direction to the Respondents not to demolish any part of the structures of the petitioners without any show cause/notice or proper proceedings in accordance with law and no demolition of any part of the structure/ land of the petitioners be made without the compliance of the Natural Justice.

(iii) To issue an appropriate writ, order or direction to the Respondents that in case any part of the land/structure of the petitioners are required for construction/ widening of Road then the Respondents should initiate a proceeding of land acquisition in accordance with law.

(iv) To issue an appropriate writ, order or direction to the Respondents to conduct a proper and scientific Measurement of the land of the Petitioners, appertaining to Khata Plot and Area as described in Para-4 of the writ application situated in Mauza-Dharhara(now Ahirpurwa) Thana No-166, Circle-Ara Sadar, District- Bhojpur, through a survey knowing Team of Amins to ascertain the actual area, dimension and other relevant aspects of the land of the state as well as of the Petitioners before taking any recourse of demolition of any part of the Structure/house/Building of the petitioners.



(v) To issue further appropriate writ, order or direction directing the Respondents, especially the District Authorities not to take any coercive action or disturb/ dispossess the petitioners from any part of the land/ Building or Structure of the Petitioners' Property existing over their lands till the proper and scientific Measurement of the land of the Petitioners is completed properly by Respondents.

(vi) To issue further appropriate writ, order or direction commanding the Respondent Authorities not to create any hindrance in the peaceful enjoyment of the property possessed by their ancestors on which they have been residing along with their respective families by constructing their houses for last more than fifty five years.

(vii) To issue further appropriate writ, order or direction restraining the Respondents from taking any coercive action against the Petitioners till the matter is pending or finally adjudicated the issue in question by this Hon'ble Court.

(viii) This Hon'ble Court may adjudicate and hold that it was the statutory duty of the Respondent District Magistrate as well as the Circle Officer and Executive Engineer to act on the petition filed by the Petitioners for disclosing the reasons of demolition as also for proper and scientific Measurement of the above noted lands of the petitioners which was before the Respondent Executive Engineer; the Respondent Circle Officer and finally before the Respondent District Magistrate.



(ix) This Hon'ble Court may further adjudicate and hold that Respondents' action taking the course of demolishing the boundary wall of petitioner Gopal Prasad and Vijay Kumar Gupta and threatening the other Petitioners for demolishing part of their dwelling houses in most arbitrary, illegal manner without even issuing any notice or giving anything in writing giving any details disclosing the reasons for the same.

(x) This Hon'ble Court may further adjudicate and hold that the action of Respondents taking the course of demolishing the boundary walls of some of the petitioners 1, and 2 and threatening the other Petitioners for demolishing part of their dwelling houses without even issuing any show cause, notice or giving any details disclosing the reasons for the same, is an act of malafide and complete arbitrary and colourable exercise of power/authorities by the Respondents.

(xi) This Hon'ble Court may further adjudicate and hold that without any show cause, notice or information to the petitioners the Respondents taking recourse of demolishing the boundary wall of petitioner 1 and 2 and threatening the other Petitioners of demolishing the part of their dwellings is a procedure unknown to the Indian Law.

(xii) This Hon'ble Court may award the cost of ligation and suitable compensation to the petitioners for the loss and damages caused to the petitioners due to the illegal and arbitrary actions of the



Respondent Authorities.”

2. At the outset, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to avail such other alternative remedies as are otherwise available under the law, for redressal of their aforesaid grievances. Liberty so sought is granted.

3. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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