

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3995 of 2016

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Amar Nath Son of Sri Ramdeo Singh Sharma, Resident of Flat No. 102, Ram Krishna amar Vifla, New Patliputra Colony, Road No. 1, Near Water Tank, Post - Patliputra, Police Station - Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. Patna Municipal Corporation and Anr
2. The Administrator, Patna Municipal Corporation, Patna at near G.P.O., Patna, Budh Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sudhir Kumar Bijpuria, Advocate
For the PMC	:	Mr. Ranjit Kumar Pandey, Advocate
For the respondent	:	Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 22-03-2024 Heard Mr. Sudhir Kumar Bijpuria, learned counsel

for the petitioner and Mr. Ranjit Kumar Pandey, learned counsel

appearing on behalf of the Patna Municipal Corporation.

2. The present writ petition has been preferred for:

*issuance of writ or order or direction in
the nature of Mandamus commanding the
respondents to pay the amount of
damage/compensation and allot the lands to the
petitioner to reconstruct the stall on the land to the
extent of area which was allotted earlier before
illegal demolition and also direct the respondents
to allow the petitioner to remain in such stall until
he is rehabilitated in view of the order and
judgement dated 09.10.2007 passed by the Hon'ble
Court (Division Bench) in LPA No. 135 of 1998.*



3. Learned counsel for the petitioner submits that in the list of those persons whose shops were demolished, the petitioner's name figured. However, unfortunately, he could not make it to the Patna High Court which was approached by only 16 affected persons, the writ petition (CWJC No. 9747 of 1995) having been dismissed, they preferred LPA 135 of 1998 which was allowed on 09.10.2007. The SLP (C) 6655 of 2008 preferred by the State of Bihar was dismissed which followed the order passed by the said Corporation on 19.10.2010 granting relief to the 16 persons who had earlier approached this Court.

4. His case is that since he was also in the list of 37 persons from which the 16 persons granted relief, he is also entitled too.

5. Learned counsel appearing on behalf of the Patna Municipal Corporation submits that a perusal of the order would show that it is/was restricted to the 16 persons who approached this Court.

6. This Court has gone through the order passed by the appellate Court in LPA No. 135 of 1998 and the concluding part is incorporated herein below for the proper appreciation:

“In the premises we allow the appeal, set aside the judgment and order under appeal as well as all the notices dated



15.11.1995 issued by PRDA to the appellants and direct the PMC to pay a sum of Rs. Two lacs to each of the appellants as and by way of damages for destruction of their wares on 23.11.1995. We also allow the appellants to reconstruct the stalls on the land in question to the extent of the area mentioned above at their own costs and direct the PMC to allow the appellants to remain in such stalls until they are rehabilitated in the new municipal Market Complex to be set up as envisaged in Development Scheme No. 2 on the same terms and conditions as mentioned in the subject Deeds of licence. The cost of construction of such stalls shall be adjusted by the appellants from the licence fees to be paid in respect thereof at the first instance.

Let the records as produced be returned to the learned counsel for PMC upon retaining photocopy of each page of the same which shall form part of the records of this appeal.”

7. This Court is afraid that the petitioner having missed the bus for decades, in between lots of water has flown down the ganges and in that backdrop, no further direction can



be issued in his favour

8. At this stage, learned counsel for the petitioner submits that the others were granted liberty to move before the Patna Municipal Corporation for sympathetic consideration and he would also be filing representation to this effect.

9. In view of the said submission, the writ petition stands disposed of granting him such liberty.

10. However, it is made clear that this Court has not given any opinion on the merit of the case.

(Rajiv Roy, J)

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