

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6627 of 2024

1. Sunil Kumar Son of Vishnudeo Saw Resident of Mohalla- Naya Bazar, Dalpatti, P.S.-Kavaiya, District-Lakhisarai.
2. Suresh Prasad @ Suresh Prasad Gupta Son of Late Tulsi Sao Resident of Mohalla- Naya Bazar, Ward No.24, P.S.-Kavaiya, District-Lakhisarai.
3. Sanjay Kumar Son of Late Baldev Prasad Resident of Mohalla- Naya Bazar, P.S.-Kavaiya, District-Lakhisarai.
4. Krishna Prasad Son of Late Sita Ram Saw Resident of Mohalla- Naya Bazar, Ward No.25, P.S.-Kavaiya, District-Lakhisarai.
5. Anil Kumar Son of Jugal Saw Resident of Mohalla- Naya Bazar, Dalpatti, P.S.-Kavaiya, District-Lakhisarai.
6. Suresh Prasad Son of Late Saryug Sao Resident of Mohalla- Naya Bazar, Ward No.23, P.S.-Kavaiya, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Lakhisarai.
2. The District Magistrate, Lakhisarai.
3. The Superintendent of Police, District-Lakhisarai.
4. The Sub-Divisional Magistrate, Lakhisarai, District-Lakhisarai.
5. The Circle Officer, Lakhisarai, District-Lakhisarai.
6. The Officer in Charge, Kavaiya Police Station, District-Lakhisarai.
7. The Bihar Hindu Religious Trust Board, through its Chairman, Vidyapati Marg, Patna (Bihar).
8. The Chairman, Bihar Hindu Religious Trust Board, Vidyapati Marg, Patna (Bihar).
9. The Secretary, Shri Ramlalal Thakurbari Trust, Naya Bazar, Lakhisarai (Badi Durga Asthan), P.S.-Kavaiya, District-Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Government Pleader (04)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-07-2024

Heard the parties.

2. Petitioners have prayed for the following reliefs :

*“(1) For a direction to the Respondents to
physically verify the building and structure of*



the shops occupied (as tenant) by the petitioners then pass any appropriate order ensuring the right of occupancy on the basis of long and peaceful possession of the petitioners.

(ii) For a direction to the Respondents to issue the allotment of the shops occupied (as tenant) by the petitioners in the same area/dimension and side and also within the time prescribed by the different Authorities after following the due procedure of allotment etc.

(iii) For any other relief (s) for which petitioners may be entitled in the facts and circumstances of the case.”

3. A counter affidavit on behalf of the respondent Nos. 2, 4 and 5 duly put on affidavit by the Circle Officer, Lakhisarai is on record and paragraph No. 8 reads as follows :

“8. That no any substantial questions as framed in Para No. 2 of the writ petition is involved in the writ in hand. Construction of India does not mandates that the state authority shall permit to use such premise which is not fit for life. Section 133 (1) (d) of Criminal Procedure Code 1973 empowers the magistrate to pass a conditional order requiring the persons (possession such building structure to desist from carrying on merchandize and to



remove/repair such building. The action of respondents are not arbitrariness, illegal, unwarranted, erroneous in the light of facts stated above. The answering respondents has directed the Managing Committee of Ram Lala Thakurbari Trust, Lakhisarai to provide the shops after reconstruction of shops to the present tenants.”

4. Learned counsel for the petitioners submits that when the Sub Divisional Officer, Lakhisarai has passed an order, they have deposited the amounts. The Managing Committee under ulterior motive is delaying handing over the shop.

5. The respondents have appeared. As per the learned counsel for the respondent No. 9 despite the specific order of the Sub-Divisional Officer, Lakhisarai which was also stamped on 01.02.2024 by the learned Sessions Judge, Lakhisarai in Cr. Revision No. 04 of 2024, the petitioners have delayed the process of vacating the shops which caused the delay.

6. Upon query, learned counsel for the petitioners was unable to provide the details when the shops were vacated. In that background, when the details of the vacating of the shops is/are not on record, the respondent may take time in getting the shops constructed.



7. Learned counsel appearing on behalf of the respondent No. 9 submits that if the entire shops have been vacated, the construction may be expedited and will be taken to its logical conclusion by 31st of December, 2024 so that the same is handed over to those who have deposited the amount by 01.01.2025.

8. In view of the above averments, taking note of that, writ petition stands disposed of.

(Rajiv Roy, J)

Prakash/-

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