

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9438 of 2024**

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1. Ram Kripal Thakur Son of Sri Kanchan Thakur resident of Village -Mohanpur, Ward no.- 06 Post- Sidhap kala, Panchyat Raj- Dolkhar P.S.- Ladaniya, Sidhap Kalan, District- Madhubani (Bihar).
  2. Heera Lal Kamat @ Hiralal Kamat, Son of Late Rash Lal Kamat resident of village - Nondarhi, Ward no.- 02, Post- Sidhapkala, Panchyat Raj Dolkhar P.S. Ladaniya, Sidhap Kalan, District- Madhubani (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Collector of the District- Madhubani.
2. The Collector of the District, Madhubani.
3. The Sub Divisional Officer Cum Rent Controller, Jaynagar, Distt.- Madhubani.
4. The Block Development Officer (B.D.O.) Ladaniya, Madhubani.
5. The Circle Officer (C.O.), Ladaniya, Madhubani.
6. Sri Vishnu Dev Bhandari, Son of Dev Narayan Bhandari Post Box. No.- 15, Head Post Office, Madhubani, resident of village - Nondarhi, Post- Sidhapkala P.S.- Ladaniya, Sidhap Kalan, District- Madhubani (Bihar).

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Shashi Nath Jha, Adv.    |
| For the Respondent/s | : | Mr. Ajay Behari Sinha, GA-8 |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

5      18-09-2024              The present writ petition has been filed seeking the following reliefs:-

“1(i). Quashing/ setting aside the impugned order dt. 04.07.2023 (Annx- P/6), passed by the learned Resp. no.3 (Sub- Divisional Officer) in Rent fixation case no. 02 of 2022 (B.D.O. Ladaniya Vrs. Heera Lal Kamat & others), whereby and whereunder direction has been issued to the learned C.O. (Resp. no. 5) to make enquiry about the matter and to evict the petitioners from the



land/shops in question.

(ii). Quashing/ setting aside the impugned letter dt. 11.11.2023 (Annx- P/7), passed by the Resp. no.2 (Office of the District Collector), whereby and whereunder direction has been issued to the learned C.O. (Resp. no. 5) to ensure compliance of the aforesaid order dt. 04.07.2023 (Annx- P/6), passed by the Resp. no.3 (Sub- Divisional Officer).

(iii). Quashing/ setting aside the impugned notice dt. 13.02.2024 (Annx-P/8), passed by the Resp. no.5 (Learned C.O.), whereby and whereunder direction has been issued to the present petitioners to vacate the shops in question, in pursuance to the aforesaid order dt. 04.07.2023 (Annx-P/6), otherwise they would be evicted forcefully from the land/ shops in question.

(iv). Holding and declaring that the Respondents-authorities are not authorized under any Act to dispossess and/or to evict the petitioners from the lands/ shops in question, especially when the shops in question have been constructed by the petitioners themselves on the raiyati land belonging to the co- villager, not on the govt. and/or the public Lands.

(v). Holding and declaring that the Respondent-authorities have no jurisdiction to issue the impugned order/ notices (Annx- P/6 to P/8) against the petitioners for their eviction, especially since neither the land in question nor the shops



constructed over it ever belonged to the state and its agencies.

(vi). Holding and declaring that without holding the land / shops in question to be public land, the Respondents have no authority to pass order of eviction, against the petitioners, especially without initiating any proper proceedings under any Act, and/or without hearing the present petitioners.

(vii). Restraining the Respondent-authorities from evicting the petitioners from their self-constructed shops in question, as the same have been constructed on the raiyati lands, belonging to the co-villager, and with their due permission, the shops have been constructed long ago by the petitioners and those shops are running since several decades.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to challenge the order dated 4.7.2023, passed by the Sub-Divisional Officer, Jaynagar, in Rent Fixation Case No. 2 of 2022, by filing appropriate appeal, however, seeks some protection during the interregnum period. Liberty, so sought, is granted.

3. It is needless to state that for a period of four weeks from today, status quo, existing as on today qua the shops of the petitioners in question, shall be maintained, so as to enable the petitioners to file appropriate appeal and seek interim relief.



4. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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