

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13417 of 2023

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Shakeel Ahmed Son of Late Ekramul Haque, R/o- Raja Bazar, Samarpam Madarsa Gali, P.O.- B.V. College, Pin- 800014, P.S.- Shastrinagar, District- Patna, State- Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Urban Development and Housing Ministry, Dept, Govt. of Bihar.
2. The Senior Superintendent of Police, Patna.
3. The Municipal Commissioner Patna Municipal Corporation, Patna.
4. The District Magistrate, Patna.
5. The S.H.O., Hawaiadda Police Station Patna.
6. Shamshad Khan S/o Kalim Khan, R/o- Raja Bazar, Samanpura Madarsa Gali, P.O.- B.V. College, Pin- 800014, P.S.- Shastrinagar, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar Yadav
For the Respondent/s	:	Mr.Kinkar Kumar (Sc9)
For the PMC	:	Mr. Sanjay Prakash Verma

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-01-2024 Heard the learned counsel for the petitioner, learned counsel for the State and the learned counsel for the Patna Municipal Corporation.

2. One C.W.J.C. No. 8235 was filed against the petitioner by the Respondent No. 06 in the present and the following order was passed on 27.06.2023:-

The present petition has been filed seeking the following reliefs :-

“(i) For stopping the illegal Business of Drugs by the Respondent No 9 in the petitioner's Premises bearing Khata No 106. Khesra No 1075, Area 0.4687, Holding



No 1249/470 situated in the Mohalla Raja Bazar, Baily Road, Patna, which was purchased by the petitioner in the year 2019 through registered Sale Deed.

(ii) To direct the Official Respondents not to protect the Respondent No 9 (Honour of the M/s Millat Medical Hall) in illegal business, in which the drug license of the Respondent No 9 was cancelled much earlier in the year of 2021 itself.

(iii) To direct the respondents to initiate a proceeding against the respondent no 9 as per the law for running illegal business in the premises, described as by the petitioner. (iv) To direct the respondent no. 9 to pay the compensation to the petitioner for the loss of heavy money, which was invested by him for their business purpose, in the premises, as mentioned.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to avail such other alternative remedies, as are otherwise available under the law for redressal of his grievances. Liberty so sought, is granted.

The writ petition stands disposed off as not pressed.

3. Now the present petitioner has approached this Court and prayed for the following reliefs as quoted under:-

(i) Do not interfere of Business of petitioner, who runs medical shop with name of "Millet Medical Hall" with valid and effective license issued by concern Department.

While Respondent Authorities becomes biased against the



petitioner are always tried to put pressure on behalf of investigation against the petitioner, who also intends to close the above named Medical Shop.

(ii) Further also directed to Respondent Authorities that do no interface upon the vexations complaint of private Respondent No. 6 namely Shamshed Khan. After making proper inquiry. Respondent Authorities has to be taken action against the petitioner only upon basis of vague information Respondent Authorities should not put pressure to close the Medical Shop.

(iii) Also directed to provide protection of life of petitioner along with business of petitioner as Medical Shop "Millet Medical Hall" which is only way to livelihood of the petitioner.

(iv) Also directed to Donot intereface the peaceful and lawful possession of the Land upon which the Millet Medical Hall stands.

4. It appears that the petitioner and respondent no. 6 are having private disputes and they are trying to get the same settled with the intervention of this Court which is not permissible in law.

5. Accordingly, this application is dismissed. The parties may approach the District Court for settlement of their



disputes. It is further directed that neither the petitioner nor the respondent no. 6 will unnecessary burden the High Court with such kind of frivolous litigation. If, in future, they will file such a frivolous litigation, heavy cost will be imposed upon them.

(Sandeep Kumar, J)

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