

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17633 of 2022

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Satish Kumar Shahi @ Chhotan Son of Sri Nawal Kishore Shahi, Resident of House No. 12, Vidhayak Colony, Kautilya Nagar, B.M.P. Road, Police Station- Hawaii Adda, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Collector, Patna.
4. The Chairman, Abhikaran Samiti-cum- Sub Divisional Magistrate, Patna Sadar, Patna.
5. The Block Development Officer, Patna Sadar, Patna.
6. The Officer in Charge of Hawaii Adda Police Station, Patna.
7. Sri Nawal Kishore Shahi, Son of Late Ram Lakhan Shahi, House No. 12, Vidhayak Colony, Kautilya Nagar, B.M.P. Road, Police Station- Hawaii Adda, District- Patna.
8. Sri Brahm Prakash, son of Sri Nawal Kishore Shahi (Respondent No 7) House No. 12, Vidhayak Colony, Kautilya Nagar, B.M.P. Road, Police Station- Hawaii Adda, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Ranjan, Advocate
For the Respondent/s	:	Md. Raisul Haque, SC-10
For the Respondent no. 8:	:	Mr. Rajan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 11-01-2024 Heard the parties.

The petitioner has prayed for the following reliefs:

“(i) For quashing the order dated 26.11.2022, passed in Prakaran Case No. 136 of 2022 by respondent no. 4, whereby he has issued direction to the petitioner to peacefully vacate the house in question and handover the keys within a month to the private respondent and not to cause mental and physical agony to the private respondent, which order has been passed in undue haste and without affording sufficient



opportunity to the petitioner to represent his case before the authority and thus the order impugned has been passed in violation of principle of natural justice and does not meet the statutory requirement and is therefore, arbitrary and illegal.

(ii) To restrain respondent no. 5 and 6 to enforce the order by physically evicting the petitioner from his settled possession, where the petitioner and his family is resident with his family from last 10 years.”

2. Learned counsel for the petitioner submits that the petitioner has an alternative remedy of appeal. This application is therefore disposed of on the ground of availability of alternative remedy. The petitioner may move the appellant Court against the impugned order.

3. If the petitioner files an appeal before 30 days from today, the same shall be heard by the appellant authority on merits, in accordance with law.

4. The application stands disposed of.

(Sandeep Kumar, J)

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