

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5534 of 2024

1. Shankar Prasad, Son of Bhagwan Lal, resident of Phal Gola, Sahebganj Chapra, Police Station-Town Chapra, District-Saran.
2. Zakir Hussain, son of Late Nasir Hussain, resident of Sarkari Bazar Chapra, Police Station-Town Chapra, District - Saran.
3. Rajesh Kumar, son of Uma Nath Prasad, resident of Mohalla Fruit Merchant, Sahebganj Chapra, Police Station - Town Chapra, District - Saran.
4. Rajan Kumar, son of Rajendra Prasad, Resident of 64A, Sahebgani Sonarpatti Chowk, Chapra, District - Saran.
5. Alok Kumar, son of Jagarnath Prasad, resident of Ward No. 18, Nai Bazar, Chapra, Police Station Town, Chapra District - Saran.
6. Anwar Ali, Son of Abdul Salam, resident of Roopganj Korar, Karimchak, Police Station - Town Chapra, District - Saran.
7. Md. Naushad, son of Md. Ashik, resident of Rupganj Chapra, Police StationTown Chapra, District - Saran.
8. Md. Rahmatullah, son of Md.Bismillah, resident of Mohalla - Jalalpur, Methwalia, Police Station - Bhagwan Bazar, District - Saran.
9. Awadhesh Kumar, son of Shardanand Chaudhary, resident of Ward no. 6, P.O. - Rajasan Kanchanpur, District - Vaishali.
10. Satan Singh, son of Jaga Singh, resident of Ward No. 3, Kanchanpur, Rajasan, Bidupur, District - Vaishali.
11. Md. Asgar Ali, son of Manhagua Miyan, resident of Rahat Road, Karimchak, Chapra, District - Saran.
12. Md. Salman, son of Nijamuddin, resident of Mohalla - Roopganj, Ward No. 29, Chapra, Police Station - Town - Chapra, District - Saran.
13. Nesar Ahmad, son of Mainuddin, resident of Jalalpur Methwalia, District - Saran.
14. Md. Shamshad Ali, son of Md. Akbar Ali, resident of Mohalla-Karim Chak, Police Station-Town Chapra, District-Patna.
15. Md. Shikandar, Son of Md. Nijamuddin, resident of Ward No. 29, Chapra, Police Station-Chapra, District-Saran.
16. Arjun Sah @ Arjun Prasad Gupta, son of Baijnath Sah, resident of Mohalla - Basai Tola, Rajasan, District - Vaishali.
17. Must Hasan Kuraishi, son of Hafiza Nasruddin, Resident of Mohalla - Karim Chak Chapra, District Saran.
18. Pancham Kumar Gupta, son of Late Laxman Prasad, resident of Mohalla Methwaliya, Auli Chapra, District - Saran.
19. Dilshad Hussain, son of Late Abdula Rashid, resident of Mohalla-Rahat Road Karim Chowk, Chapra, District - Saran.
20. Upendra Kumar, son of Raghunath Mahto, resident of Ward No. 7, Kanchanpur, District -Vaishali.



21. Gopal Ji, son of Lakshmi Prasad, resident of Mohalla-Sahebganj Chapra, Police Station-Town Chapra, District-Saran.
22. Md. Eliyas, son of Abbas Miyan, resident of Jalalpur, Methwalia, District-Saran.
23. Md. Imran Ali, son of Md. Samim, resident of Jalalpur, Police Station-Revelganj, Chapra, District-Patna.
24. Barkat Ali, son of Jhun Miya, resident of Mohalla-Sahebganj, Chiktoli Chapra, District-Saran.
25. Md. Abdul Abeed, son of Sufi Mohammad Sahid, resident of Mohalla-Jalalpur Mehtwalia, Chapra, District-Saran.
26. Md. Kausar Ali, son of Md. Shahid, resident of Mohalla-Jalalpur Mehtwalia, Chapra, District-Saran.
27. Gulam Waris, son of Dost Mohammad, resident of Mohalla - Karim Chak, Police Station-Town Thana, District - Saran.
28. Md. Khalik, son of Fajal Miyan, resident of Ward No. 17, Nai Bazar Chapra, Police Station Bhagwan Bazar, District - Saran.
29. Md. Sheraj, son of Lalu Miya, resident of MohallaFiddar Bazar Thakar More, Gudari Bazar.Police Station - Bhagwan Bazar, Chapra, District - Saran.
30. Krishna Prasad, Male, son of Laxman Sah resident of Mohalla Maiki Kotara Garkha, Police Station Garkha, District - Saran.
31. Md. Ashaf Ali, son of Md. Anwar Ali, resident of Mohalla - Karimchak Korar Chapra District Saran.
32. Md. Akbar son of Md. Habid, resident of Karim Chak, Khanua, Chapra, District - Saran.
33. Md. Anwar Hussain, son of Md.Habib resident of Village - Karimchak, Police Station - Town Chapra, District - Saran.
34. Shyam Babu, son of Ram Prasad, resident of Ward No. 17, Nai Bazar, Chapra Saran, District-Saran
35. Md. Naushad Ali, son of Md.Sahibul, Resident of Rahat Road Karimchak, Police Station Town Chapra, District - Saran.
36. Md. Lukman, son of Abdul Gaffar,r resident of Rahat Road Karim Chak, Chapra, District - Saran.
37. Vijay Singh, son of Ram Nagina Singh, resident of Ward No. 3, Kanchanpur, Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Election Commissioner, Election Commission of India, New Delhi.
3. The District cum District Election Officer, Saran.
4. The Sub Divisional Officer, Sadar Chapra cum Special Officer, Agriculture Produce Marketing Committee (Dissolved), Sadha, Chapra.



5. The Block Agriculture Officer cum In Charge, Agriculture Produce Marketing Committee (Dissolved), Sadha, Chapra.
6. The Chief Electoral Officer, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.
For the Respondent/s : Mr Ajay Behari Somja. Government Advocate 08

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

7 10-02-2025 Heard learned counsel for the parties.

2. The present writ petition has been filed for the following relief(s):-

“(i) To quash the notice dated 29.02.2024 issued by the joint signature of Sub Divisional Officer, Sadar Chapra-cum-Special Officer, Agriculture Produce Marketing Committee (dissolved) Sadha Chapra respondent No. 4 and Block Agriculture Officer, Sadar Chapra-cum-in-charge Agriculture Produce Marketing Committee (dissolved) Sadha Chapra respondent No. 6 to the petitioners directing them to vacate their shop situated in the premises of Agriculture Produce Marketing Committee (Bazar Samiti) Sadha Chapra by 03.03.2024.

(ii) To restrain the respondents authorities from dispossessing the petitioners from their respective shops/area allotted to them within premises of Agriculture Produce Marketing Committee Sadha Chapra where they are doing business of fruit and vegetables since long. And if the petitioners are dispossessed forcefully or



under coercion or threat in pursuance of notices dated 29.02.2024 their possession over their respective allotted shops/area be restored.

iii) To direct the respondent authorities to compensate appropriately the petitioner for their losses in business during period of their dispossession from their respective allotted shops/areas in the premises of Bazar Samiti, Chapra.”

3. During the pendency of the CWJC, the petitioners were dispossessed from the respective shops. Subsequently the authorities have put the petitioners back in possession of the subject property. Thereafter the petitioners have filed Interlocutory Application seeking amendment of the prayer wherein it is prayed that the petitioners may be compensated adequately for the loss of business sustained during the period of dispossession from their respective allotted shops/area in the premises of the Bazar Samiti, Chapra. This Court is of the prima facie opinion that the above prayer sought by the petitioners cannot be granted under Article 226 of the Constitution of India. This Court cannot go into the quantum of compensation that is to be granted in favour of the petitioners in the absence of any evidence. It is only the competent Civil Court which can record any evidence (both oral and documentary) and give a finding with regard to the loss sustained by the petitioners if any.



4. Having regard to the same, the present writ petition is disposed of granting liberty to the petitioners to approach the competent Civil Court having jurisdiction, within a period of two months from today. If any such suit is filed, the Civil Court shall endeavor to dispose of the same at the earliest preferably within a period of one year from the date of institution of the said suit.

5. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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