

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13001 of 2025

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1. Babu Lal Sinha alias Babu Lal Singh S/O Late Ramdhari Singh, R/o vill- Kalyanpur Madhubani, Tola- Jagiraha, P.O.- achhaiber Pipra, P.S.- Sidhwalia, Distt.- Gopalganj- 841428.
 2. Rajiv Ranjan alias Rajiv Ranjan Singh, S/o Shri Babu Lal Sinha alias B.L. Singh, R/o vill- Kalyanpur Madhubani, Tola- Jagiraha, P.O.- achhaiber Pipra, P.S.- Sidhwalia, Distt.- Gopalganj- 841428.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar at Bailey Road, Patna.
2. The District Magistrate, Gopalganj Collectorate.
3. The Supdt. of Police, Gopalganj.
4. The D.G.P., Sardar Patel Bhawan, Bailey Road, Patna.
5. The D.I.G. Saran Range, at Chapra.
6. The S.D.M., Gopalganj.
7. The Circle Officer, Circle- Barauli, Gopalganj.
8. The Sr. Divisional Retail Sales Manager, I.O.C.L., Office at Akharaghat, Muzaffarpur (Bihar).
9. Smt. Kanti Devi, W/o Mr. Pramod Singh, R/O Vill- Kalyanpur- Madhubani, Tola- Jagirahan, P.S.- Sidhwalia, Distt- Gopalganj.
10. Shri Pramod Singh, S/o Chhotan Singh, R/o Vill- Kalyanpur Madhubani, Tola- Jagirahan, P.S.- Sidhwalia, Distt.- Gopalganj.
11. Mr. Rahul Kumar Singh, and Sushil Kumar Singh, Son of Mrs. Kanti Devi, R/O Vill- Kalyanpur Madhubani, Tola- Jagirahan, P.S.- Sidhwalia, Distt- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shivaji Singh, Advocate
For the State	:	Mr. Government Advocate (11)
For the Resp. No.9 to 11	:	Mr. Rachna Saraswati, Advocate
For the IOCL	:	Mr. Ankit Katriar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR



ORAL ORDER

7 15-05-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

“extremely precarious conditions of the petitioners, facing existential conundrum, beg to move this Hon'ble court, seeking an appropriate Order/Orders or direction against the Respdts-authorities to provide immediate protection to their life, liberty and sustenance for their livelihood, in consonance with Article 21 of the Constitution of India; so as to enable them to live with dignity, by carrying-out their peaceful business of High speed Diesel and Petrol outlet Dealership, without causing any unlawful obstructions/hindrane in any manner, much less by some nepharious and unruly people of the locality vis-à-vis the private Respdts in a clandestine manner.”

3. District Magistrate, Gopalganj, is directed to take note of the request made by the Manager, Retail Cell, Bettiah, West Champaran Division, wherein the Office of Indian Oil Corporation Ltd. (for brevity 'IOCL') has requested the District Magistrate, to take all measures to start the IOCL retail outlet which is situated at N.H. - 27 under P.S. Sidhwalia, Mauza – Sadauan, District Gopalganj. Insofar as the legal issues involved in the present case are concerned, it has been submitted that the eviction suit filed by private respondent Nos. 9 to 11 was



decreed in their favour, against which Title Appeal No. 14 of 2024 was preferred challenging the judgment dated 23.07.2024 and decree dated 05.08.2024 passed in Title Suit Case No. 124 of 2016 by the learned Sub Judge-V, Gopalganj.

4. It is admitted position on record that the aforesaid Title Appeal was heard and decided by the learned District & Additional Sessions Judge – XII, Gopalganj, wherein it has categorically been held that,

..... “33. U/S 10 of the Bihar Building (Rent, Lease and Eviction) Control Act the landlord can not do away any amenities of the tenant. In 2001(2)PLJR 798 Division bench of Hon'ble High Court Patna has held that tenant can be evicted by decree passed by the civil court only. A tenant can not be evicted in unauthorised manner and plaintiff can not take possession of the property by force, without following due procedure of law. The possession of the defedant-appellant is admitted in the eyes of law and court. So, creating any obstruction in possession and business of the defendant without order of the court is an unauthorized manner and it is a criminal act of the plaintiff if done. For that the defendant-appellant shall be at liberty to file case to recover damage. The appellant-defendant shall so be entitled to take help of the



police and administration to remove such obstructions.”

5. On this strength, it has been submitted that the second appeal against the judgment passed in the Title Appeal No.165 of 1981 has been preferred by private respondent nos. 9 to 11, however, till date, no substantial question of law has been framed and consequential notices have also not been issued, for which there is no valid explanation with the respondent Nos.9 to 11.

6. Since, the judgment and decree passed in the Title Appeal having not been interfered with and continues to hold the field, this Court directs the District Magistrate, Gopalganj, to provide an assistance in ensuring commencement of the aforesaid Indian Oil retail outlet within a period of ten days, keeping in row the request made by the concerned authorities, wherein the appropriate request has been made to extend all necessary assistance for restoration and maintenance of peaceful possession of the retail outlet, in favour of original allottee so that its operation may resume at the earliest, looking to the present day exigencies.

7. It goes without saying that, in the event the judgment and decree passed in the title appeal are set aside or interfered with in the second appeal, the nature of order passed



would govern the issues at hand.

8. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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