

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7013 of 2021

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1. Prem Prakash Sah son of Om Prakash Sah @ Om Prakash Saha, present resident of Mohalla-Shiva Hardware/Pants Corner, Anand chiktisalaya, near Shitla Mandir, Post Office-Sujagnj, Police Station-Kotwali, District-Bhagalpur, Permanent resident of Durga Mandir Road, Police Station-Naugachia, District-Bhaglapur.
 2. Om Prakash Saha, son of Late Banarsi Lal Sah, present resident of Mohalla-Shiva Hardware/Pants Corner, Anand chiktisalaya, near Shitla Mandir, Post Office-Sujagnj, Police Station-Kotwali, District-Bhagalpur, Permanent resident of Durga Mandir Road, Police Station-Naugachia, District-Bhaglapur.
 3. Surya Prakash Sah, son of Om Prakash Sah @ Om Prakash Saha, present resident of Mohalla-Shiva Hardware/Pants Corner, Anand chiktisalaya, near Shitla Mandir, Post Office-Sujagnj, Police Station-Kotwali, District-Bhagalpur, Permanent resident of Durga Mandir Road, Police Station-Naugachia, District-Bhaglapur.
 4. Archana Devi, wife of Surya Prakash Sah, present resident of Mohalla-Shiva Hardware/Pants Corner, Anand chiktisalaya, near Shitla Mandir, Post Office-Sujagnj, Police Station-Kotwali, District-Bhagalpur, Permanent resident of Durga Mandir Road, Police Station-Naugachia, District-Bhaglapur.
 5. Chandani Prakash Sah, Wife of Prem Prakash Sah, present resident of Mohalla-Shiva Hardware/Pants Corner, Anand chiktisalaya, near Shitla Mandir, Post Office-Sujagnj, Police Station-Kotwali, District-Bhagalpur, Permanent resident of Durga Mandir Road, Police Station-Naugachia, District-Bhaglapur.
 6. Chandana Saha, Wife of Om Prakash Sah @ Om Prakash Saha, present resident of Mohalla-Shiva Hardware/Pants Corner, Anand chiktisalaya, near Shitla Mandir, Post Office-Sujagnj, Police Station-Kotwali, District-Bhagalpur, Permanent resident of Durga Mandir Road, Police Station-Naugachia, District-Bhaglapur.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Vikas Bhawan, Bailey Road, Patna.
3. The Bhagalpur Municipal Corporation through its Secretary, Bhagalpur.
4. The Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur.
5. The Commissioner, Bhagalpur Division, Bhagalpur.
6. The District Magistrate, Bhagalpur.



7. The Sub-Divisional Officer, Bhagalpur.
8. The Superintendent of Police, Bhagalpur.
9. The Station Head Officer, Kotwali Police Station, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anand Bhushan
For the Respondent/s : Mr.Yogendra Pd. Sinha (Aag7)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 29-04-2021 The matter has been taken up for hearing *on-line* because of COVID-19 Pandemic restrictions.

The petitioners claim to be the owners of a building bearing Holding No. 91/91B/91C/91D/91E/91F, bearing Khata No. 373, Khesra No. 830 situate in Ward No. 38, Girdhari Sah Lane, Bhagalpur. On a request made on their behalf for demolition of the building on the ground that the same has become dilapidated, a local inspection was carried out under the orders of the Municipal Commissioner, Bhagalpur, by the Assistant Engineer and Junior Engineer of the Corporation. On their recommendation, permission has been granted to the petitioners to demolish certain portion of the building. The process of demolition of the building is, however, being resisted by some of the persons claiming to be tenants residing therein.

On a grievance raised in this regard to the Sub Divisional Magistrate, Bhagalpur, a proceeding under Section



107 of the Cr.P.C. was initiated. It is also the petitioners' case that the Corporation vide letter dated 14.12.2019 has directed the petitioners to demolish the building within seven days else they would be liable to legal action. The persons, who claim to be tenants, thereafter approached the learned Additional District and Sessions Judge-XII, Bhagalpur, challenging the order of the Sub Divisional Magistrate, Bhagalpur, giving rise to Criminal Revision No. 203/2019. The Additional District and Sessions Judge-XII, Bhagalpur, has allowed the revision application and has remanded the matter back to the Sub Divisional Magistrate for passing an order afresh.

Learned counsel appearing on behalf of the petitioners has argued that till date, no order has been passed by the Sub Divisional Magistrate.

Considering the facts and circumstances of the case, it is deemed fit and proper to direct the Sub Divisional Magistrate to pass appropriate orders in the light of the order passed by the Additional District and Sessions Judge-XII, Bhagalpur, dated 22.12.2020 within a period of two months.

It is made clear that I have not gone into the merits of the petitioners' other claims as raised in this application.

This writ application stands disposed of with above



observation and direction.

(Chakradhari Sharan Singh, J)

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