

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9720 of 2021

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Ramayan Thakur Son of Kishun Thakur, resident of Mohalla - Ward No. 11,
Thakurbari, Near Mandir, P.S.- Motihari Town, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, East Champaran, Motihari.
3. Chairman, Nagar Parishad, Motihari.
4. S.D.O. Sadar, Motihari, East Champaran.

... .. Respondent/s

WITH

Civil Writ Jurisdiction Case No 9762 of 2021

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Abrarul Haque Ansari @ Md Abrarul Haque Ansari son of Md. Serajul
Haque, Resident of Mohalla-Janpul Road, Near V2 Mall, P.S.-Motihari Town,
District-East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, East Champaran, Motihari.
3. Chairman, Nagar Parishad, Motihari.
4. S.D.O. Sadar, Motihari, East Champaran.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No 9720 of 2021)

For the Petitioner/s : Mr Binod Kumar Mishra, Advocate

For the Respondent/s : Mr Ravish Chandra, AC to SC VI

(In Civil Writ Jurisdiction Case No 9762 of 2021)

For the Petitioner/s : Mr Binod Kumar Mishra, Advocate

For the Respondent/s : Mr Zaki Haider, AC to SC IX

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**CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 23-02-2022

As both the cases are based on identical set of facts seeking similar relief, they have been heard together, with the consent of the parties, and are being disposed of with the present common judgment and order.

2 Heard learned counsel for the petitioners and learned counsel for the State of Bihar.

3 In both these writ applications, the petitioners are seeking direction to the respondents to allot shop/space in their favour in Bhagat Singh Market under Motihari Municipal Corporation in the light of an order of this Court dated 11.02.2021 passed in *CWJC No 10351 of 2013 (Ranjan Kumar Sinha & Ors -Versus- State of Bihar & Ors)*. Following is the operative portion of this Court's order passed in CWJC No 10351 of 2013 in case of *Ranjan Kumar Sinha (supra)* on which the petitioners are placing reliance:

“8. The Court hope and trust that the District Magistrate, Motihari shall explore the possibility of allotment of suitable place to the petitioners so that the petitioners and their



family may not be affected adversely. Necessary decision in this regard may be taken by the respondent District Magistrate within a period of six months from the date of receipt/production of a copy of this order.”

4 It is evident from the facts disclosed in the said order dated 11.02.2021 passed in case of ***Ranjan Kumar Sinha (supra)*** that the Court had occasion to consider cases of such small entrepreneurs who were sought displaced consequent upon proceeding for removal of encroachment.

5 Learned counsel for the petitioners submits that they were also having shops in the same locality and they have also been displaced because of the action of the respondents and, therefore, they are also entitled to an alternative arrangement by allotment of shop/space in Bhagar Singh Market.

6 We are not persuaded with the submissions advanced on behalf of the petitioners for the simple reason that the petitioners have miserably failed to make out a case that they are similarly/identically situated with the cases of those who were there before this Court in case of ***Ranjan Kumar Sinha (supra)***. The learned counsel for the petitioners has admitted that no proceeding for removal of encroachment from the public land was initiated against these petitioners. The petitioners have miserably failed to make out a case that they were also running their shops



business in the locality which was cleared by anti encroachment action.

7 In our view, these writ applications are devoid of any merit and are, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

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