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**(2022) 02 PAT CK 0065**

**Patna High Court**

**Case No:** Civil Writ Jurisdiction Case No. 662 Of 2022

M/S Jagdamba Traders

APPELLANT

Vs

State Of Bihar

RESPONDENT

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**Date of Decision:** Feb. 22, 2022

**Hon'ble Judges:** Sanjay Karol, CJ; S. Kumar, J

**Bench:** Division Bench

**Advocate:** Subodh Kumar Jha, Pranav Kumar Jha, Gyan Prakash Ojha

**Final Decision:** Disposed Of

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**Judgement**

1. The petitioners have prayed for the following relief/s :-

That this writ application is being filed for issuance of an appropriate writ/writs, order/orders in the nature of certiorari for quashing of the letter dated

22.12.2020 and 29.12.2020 as contained in Annexure-â€ˆ4 Series' by which the Respondent No.3, the Sub-divisional Officer-cum-Special Officer,

Agriculture Produce Market Committee (D), Bettiah, West Champaran has directed the petitioners to vacate the allotted shop within one week,

without following the procedure of law and as much as in violation of agreement executed between the parties at the time of allotment of respective

shops to the petitioners right from 1992 against which the petitioners took possession of their respective shops and paying the rent regularly upto till

2019 and not violated any terms of agreement and further for issuance of a writ in the nature of mandamus for directing and commanding the

Respondents not to disturb the physical possession of the petitioners who are the licensee of the shops and further for any other appropriate

relief/reliefs for which the petitioners are found entitled in the facts and circumstances of the case.

Learned counsel for the petitioners states that petitioners' case is similarly situated as that of the petitioners in CWJC No. 6201 of 2021, titled as

Ajay Prasad @ Ajay Kumar & Ors. Vs. The State of Bihar & Ors.

We notice that the notices issued by the respondent, asking the petitioners to vacate their shops allotted by the erstwhile Agricultural Produce Market

Committee, Bettiah, situated at Bettiah- Muzaffarpur Highway, were quashed, only on the ground that no notices were ever issued or opportunity of

hearing afforded. The said judgment has attained finality. Also, till date, before us, the aforesaid facts have not been disputed.

As such, on the principal of parity, we are inclined to pass a similar order. Such notices dated 22.12.2020 and 29.12.2020 ( Annexure-4 series) are

quashed and set aside on the following mutually agreeable terms :-

(a) Petitioners shall make themselves available in the office of respondent No. 3, namely, the Sub-Divisional Officer-cum-Special Officer, Agriculture

Produce Market Committee (D), Bettiah on 08.03.2022 at 10.30 A.M.;

(b) Complete record in support of the action for ejection/eviction shall be supplied to the petitioners.

(c) Petitioners shall be afforded opportunity to file response thereto, which shall be done within a period of four weeks;

(d) Petitioners through learned counsel undertake to fully cooperate and not take unnecessary adjournment;

(e) Appropriate authority shall positively decide the matter in accordance with law, within a period of two months thereafter;

(f) Till such decision is taken, status quo, as on date shall be maintained;

(g) Liberty is reserved to the petitioners to initiate appropriate proceedings in accordance with law, should the need so arise; and

(h) We clarify that we have not expressed any opinion on facts and law. All issues are left open.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.