



IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.697 of 2023

In

Civil Writ Jurisdiction Case No.8441 of 2022

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1. The Bihar Industrial Area Development Authority through its Managing director, Patna.
 2. The Managing Director, Bihar Industrial Area Development Authority, Patna.
 3. The Executive Director, Bihar Industrial Area Development Authority, Patna.
 4. The Law Officer (now DGM- Legal), Bihar Industrial Area Development Authority, Patna.

... .. Appellant/s

Versus

1. Ashwini Kumar S/o Late Brijnandan Prasad Railway Hunter Road, Near JONEX Gym, East Lohanipur, P.S.- Kadamkuan, Patna.
2. Deepak Kumar S/o- Late Mohan Prasad, Salimpur, Ahra Gali, Ward No. 03, Patna.
3. Surendra Kumar S/o- Late Baijnath Prasad, Maa Vindyawashini Bhawan, Dariyapur Professor Lane, Patna.
4. Ajay Kumar S/o- Lakhn Prasad Gupta, East Lohani Pul, Kashinath Gali, P.S.- Kadamkuan, Patna.
5. Umesh Prasad Gupta S/o- Late Vishwanath Shaw, Chiraiyataad, High School Gali, P.S.- Kankarbagh, Patna.
6. Satyendra Kr. Gupta S/o- Late Shivnarayan Shaw, Dariyapur Gola, Dhobi Gali, Patna
7. Suraj Prasad S/o- Late Baidhnath Prasad, Banrara Gate, Daldali Road, Patna
8. Mahendra Prasad Gupta S/o- Late Shivnarayan Shaw, Dariyapur Gola, Dhobi Gali, Patna.
9. Rameshwar Prasad Gupta S/o- Late Shivnarayan Shaw, Lohanipur Bada Phaatak, Sai Colony, P.S.- Kadamkuan, Patna.
10. Rajendra Prasad Gupta S/o- Late Shiv Shaw, New Chitragupta Nagar, P.S. Patrakar Nagar, Patna.
11. Mohan Prasad S/o- Late Tulsi Shaw, Kankarbagh, Patna.
12. Vinod Kr. Singh S/o- Late Ram Babu Singh, Dariyapur Gola, Patna.
13. Nirmal Kr. Gupta S/o- Late Baijnath Shaw, Bakarganj, Patna.
14. Rajesh Kumar S/o- Late Rajanram, Gandhi Nagar, P.S.- Agam Kuan, Patna.
15. Md. Abdul S/o- Md. Sakuj, Bhinki Pokhar Tal, Bhanpura, Patna.
16. Dayanand Kumar S/o- Bihari Prasad Gupta, Bhogipur- Chakpul, P.S.- Gopalpur, Patna.
17. Raju Kumar S/o- Late Birendra Chaudhary, Bakarganj, Daldali Road, Patna.





18. Md. Ashraf, S/o- Late Md. Sabban, Bakarganj, Muharrampur, Patna.
19. Vipin Kumar S/o- Baijnath Gupta, Dariyapur Gola, Patna.
20. Md. Haider Ali S/o- Md. Murtuja Hussain, Bakarganj, Naalapar, Udhyog Bhawan, Patna.
21. Jitendra Kr. Pappu S/o- Late Rambabu Singh, Dariyaganj, Patna.
22. Faiyaj Ahmad S/o- Md. Alauddin, Adilabad Colony, Patna.
23. Md. Shahid S/o- Late Md. Mubarak, Bakarganj, Udhyog Bhawan, Patna.
24. Kaushlendra Kumar S/o- Rajendra Pd. Singh, Chand Road, Gali No. 10 Patna.
25. Arvind Kumar S/o- Late Janak Thakur, Railway Hunter Road, East Lohanipur, Patna.
26. The State of Bihar through the Chief Secretary, State of Bihar, Patna.
27. The Principal Secretary, Department of Urban Development and Housing, Government of Bihar, Patna.
28. The District Magistrate cum Collector, Patna.
29. Patna Municipal Corporation , through the Municipal Commissioner, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yashraj Bardhan, Advocate Mr. Parth Gaurav, Advocate
For the Respondent/s	:	Mr. Apurv Harsh, Advocate Mr. Manu Tripurari, Advocate Mr. Raghu Raj Pratap, Advocate Mr. Hritik Anand, Advocate Mr. Gaurav Sharma, Advocate Mr. Astitva, Advocate Ms. Jaya Singh, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

14 13-10-2025

Heard learned counsels for the respective parties.

2. Appellants have assailed the order of the learned Single Judge dated 23.12.2022 passed in CWJC No. 8441 of 2022. Learned counsel for the appellants submitted that on presentation of the aforementioned petition, there was no





interim order in favour of the contesting respondents – petitioners in CWJC No. 8441 of 2022. During pendency of the aforementioned petition, appellants have undertaken certain exercise insofar as removal of encroachment or in fact impugned decisions before the learned Single Judge has been given effect. The same was not taken note of while deciding CWJC No. 8441 of 2022. In the light of these facts and circumstances, the appellants have a remedy of filing civil review and not LPA/appeal. Therefore, present LPA No. 697 of 2023 is not maintainable.

3. Accordingly, present LPA No. 697 of 2023 stands disposed of reserving liberty to the appellants to file civil review. In the event of filing civil review, the learned Single Judge is hereby requested to expedite the matter, in accordance with law.

4. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

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