S U P R E M E   C O U R T   O F   I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).7222/2024

(Arising out of impugned final judgment and order dated 05-03-2024 in CWJC No.2885/2024 passed by the High Court Of Judicature At Patna)

AJAY KUMAR YADAV @ AJAY RAI & ORS.   Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS.   Respondent(s)

(IA No. 82131/2024 - CONDONATION OF DELAY IN FILING THE SPARE COPIES, IA No. 72473/2024 - EXEMPTION FROM FILING O.T.)

Date : 26-07-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
         HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)   Mr. Anmol Chandan, Adv.
                    Mr. Rishi Kumar Singh Gautam, AOR

For Respondent(s)   Mr. Manish Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

1.   Delay in filing spare copies is condoned.

2.   Aggrieved by the High Court's directions issued in purported exercise of PIL jurisdiction, thereby ordering the demolition of the houses/buildings constructed by the petitioners allegedly on public land, they have approached this Court through the instant special leave petition. It was brought to the notice of this Court that the High Court had issued the directions in a tearing hurry, when statutory appeals against the eviction orders, were still pending. It was against this backdrop that the following order was passed on 22.03.2024:

> "1. Issue notice, returnable on 17.05.2024.
>
> 2. Meanwhile, pending the statutory appeal, the parties are directed to maintain status quo re: demolition and further construction at the site.
>
> 3. The Appellate Authority-cum-District Magistrate, Patna is directed to decide the pending appeal in accordance with law within six weeks and submit a compliance report to the High Court."

3. It is stated and not disputed on behalf of the respondents that regardless of the directions to maintain status quo, the demolition drive continued beyond 22.03.2024 and all the constructions have been demolished. The only explanation rendered on behalf of the respondents is that the status quo order passed by this Court was subject to the pendency of the statutory appeals and such appeals had already been decided.

4. We strongly deprecate the conduct of the Authorities and their lame excuse. If the statutory appeals had already been decided, it was imperative for them to move an appropriate application and seek vacation/modification of the order dated 22.03.2024. A District Magistrate or the Municipal Authorities cannot sit over the interim orders of this Court and continue with an exercise despite the restraint order.

5. We are informed that the petitioners have meanwhile filed writ petitions before the High Court challenging the eviction orders and those passed by the Appellate Authority under Section 11 of the Bihar Public Land Encroachment Act, 1956.

6. Since the above-stated appeals are pending, we dispose of this special leave petition without going into merits of the case, with a request to the High Court to decide those writ petitions

objectively, without being influenced by the directions passed by it in the PIL jurisdiction. Each writ petition shall be dealt with as per its own merits and in accordance with law.

7.   We further direct that the petitioners shall be entitled to compensation/damages for the demolition of their structures, irrespective of any result of the writ petitions. We are granting this compensation in the peculiar facts and circumstances of this case to maintain the majesty of law as there is a willful and deliberate defiance of the interim order dated 22.03.2024. The amount of compensation, however, shall be determined by the High Court. The Chief Secretary of the State is directed to recover the amount of damages as may be paid to the petitioners, from the officers of the Patna Municipal Corporation or the District Administration, who are found responsible for defying the order dated 22.03.2024.

8.   All pending applications, if any, also stand disposed of.

(ARJUN BISHT)   (PREETHI T.C.)
ASTT. REGISTRAR-cum-PS   ASSISTANT REGISTRAR