

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19861 of 2010

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Ram Naresh Paswan, S/O Late Ramyatan Paswan, R/O Vill.- Akha Samho,
P.S.- Samho, Distt.- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Begusarai
2. The Deputy Development Commissioner, Begusarai
3. The Block Development Officer, Sahebpur Kamal Block, Begusarai
4. The Principal Secretary, Minor Irrigation Department, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy
Mr. Sanjay Prasad

For the Respondent/s : Mr. Sanjay Prakash Verma, AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 27-04-2015 Though, this writ petition was filed way back on 07.12.2010 and despite the direction issued by this Court by the order dated 09.12.2010, the counter affidavit has not been filed on behalf of the respondents, though since then more than four years have already elapsed.

When the matter has been taken up for consideration on merit, as usual, learned State counsel appearing on behalf of the respondents, in a most causal manner, prays for an adjournment enabling him to file a counter affidavit forgetting the fact that the direction was already issued by this Court by order dated 09.12.2010 for filing counter affidavit.

In view of nature of the grievances/claims raised on behalf of the petitioner, fully detailed in paragraph no.1 of the writ petition, this Court is of the opinion that, instead of keeping the matter pending any longer awaiting the counter affidavit on behalf of the respondents, interest of justice shall be sub-served if the

petitioner is granted liberty to file a comprehensive representation with all supporting documents before the respondent District Magistrate, Begusarai, raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed by the petitioner within a period of four weeks from today with a certified copy of the present order, then the respondent District Magistrate, Begusarai shall be obliged to consider and decide the claims raised on behalf of the petitioner by a reasoned and speaking order at an early date preferably within a period of three months from the date of filing of such comprehensive representation by the petitioner.

If on consideration of the materials, the respondent District Magistrate, Begusarai comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then the consequential orders shall also be issued without any unnecessary further delay for grant of such admissible claims.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and the same is left to be decided by the respondent District Magistrate, Begusarai strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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