

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10774 of 2013

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Bhola Bind Son Of Late Chirkut Bind, Resident of Village Bahuan, P.O. Khaira, Police Station Sonhan, District Kaimur (Bhabua)

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Animal Husbandary and Fishery Department Govt. of Bihar, Patna
2. District Magistrate, Kaimur (Bhabua)
3. District Fishery Officer-Cum-Chief Executive Officer, Fishery Development Agency, Kaimur (Bhabhua)
4. Block Development Officer, Bhabhua, District Kaimur
5. Sahdeo Choudhary Son Of Late Sita Choudhary, Resident of Village Rampur, Police Station Bhabhua , District Kaimur
6. Bhim Singh Yadav, Mukhiya Gram Panchayat Bahuwan, R/O village-Bhaishlot, P.S. Sonhan, District- Kaimur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Pd. Singh

For the Respondent No.1 to 4 : Mr. Vivekanand Singh, AC to GA-8

For the Respondent No.5 : Mr. Achhaibar Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 10-11-2015 Heard the parties.

The learned counsel appearing on behalf of the petitioner submits that for redressal of his valid grievances the petitioner filed a representation, as contained in Annexure-4, before the respondent District Magistrate, Kaimur (Bhabua), but till date aforesaid representation has not been disposed of and in the meantime steps have been taken for settlement of the ponds in question, detailed in paragraph-1 of the writ petition, though there is a civil court decree in his favour.

In view of the nature of grievances raised on behalf of the petitioner and in view of the nature of reliefs sought for in the present writ petition, as detailed in paragraph-1 of the writ petition, this Court is of the opinion that instead of deciding the controversy here in the present proceeding, the 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, Kaimur (Bhabua) raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioner within a period of four weeks from today with a certified copy of the present order, then the respondent District Magistrate, Kaimur (Bhabua) either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the private respondent no.5 and others, expeditiously preferably within a maximum period of three months from the date of filing of such representation.

If on consideration of the materials and after hearing the parties, the claims raised on behalf of the petitioner are found admissible to him, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of parties in the present proceeding and it is left to be decided by the competent authority strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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