

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2983 of 2020

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Bama Charan Mitra Son of Late Anoda Charan Mitra Resident of Mohalla
Karhariya Ward No. 11, P.S. and P.O. and District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Banka.
3. The Sub Divisional Officer, Banka.
4. The L.R.D.C. Banka.
5. The Anchal Adhikari Banka, District Banka.
6. The Superintendent of Police, Banka.
7. S.H.O. P.S. Banka, District Banka.
8. Vivek Yadav Son of Late Marhu Yadav Resident of Mohalla Karhariya Ward No. 11, P.S. and P.O. and District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2020

Petitioner has prayed for the following relief(s):

“(i) For issuance of writ of Mandamus commanding the respondent authority to remove the encroachment from the land of Khata No. 36, Plot No. 1328(K) (Kha), (G) situated in Mohalla/Mouza-Karhariya, Ward No.-11 (Old Ward No.1), Anchal-Banka, Nagar Parishad Banka, District- Banka which is recorded as Anabad Bihar Government over which there is temple of "Ma Durga", "Ma Kali" and "Hanuman



Jee" which land is illegally and forcefully encroached by the respondent no.8 and creating nuisance in different kind.

(ii) For issuance of writ of Mandamus commanding the respondent authority to measure the land and to erect the boundary wall of the same from the fund of Government like Kabristan.

(ii) For issuance of writ of Mandamus Commanding the respondent authority to measure the land and to erect the boundary wall of the same from the fund of Government like Kabristan.

(iii) For issuance of writ of Mandamus Commanding the respondent authority to protect the aforesaid land from the encroachers in future of the removing the encroachment.

(iv) For issuance of writ of Mandamus commanding the respondent authority to provide proper protection to the life and property of the petitioner from the private respondent no. 8, who is giving threatening to the petitioner not to take any step in the matter otherwise be ready to face consequences.

(v) For issuance of such other writ or order or direction which may deem fit and proper.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation which the petitioner shall be filing



for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

Petition is disposed of with the direction to the respondent no. 2, namely The District Magistrate, Banka to consider and dispose it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

It is clarified that the proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law,



before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.12.2020
Transmission Date	

