

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3966 of 2020

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Seetaram Paswan, S/o Valeshwar Paswan, R/o-Sare, P.S.-Sare, District-Nalanda, Bihar, 803107.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Divisional, Patna.
3. The Collector-cum-District Magistrate, Nalanda at Biharsharif.
4. The Superintendent of Police, Nalanda at Biharsharif.
5. The Sub-Divisional Officer, Biharsharif, Nalanda.
6. The Anchal Adhikari, Asthawan, P.S.-Asthawan, District-Nalanda.
7. The Station House Officer, Sare Police Station, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Arshad Alam, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

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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):-

“a. To direct the respondents to not encroach upon the lands of the people of Village-Sare, District-Nalanda.

b. To direct the respondents to provide lands to the landless Maha-Dalit as per the notification of the Government of Bihar.

c. To direct the respondents to not dispossesses the people from their land unless and alternate land is provided by the government.



d. To direct the respondents to give proper notice to the residents after starting an encroachment proceedings against them.

e. To direct the respondents to not pass a final order in an encroachment proceedings without hearing the residents.

f. Pass such other order/orders, writ/writs, direction/directions as your Lordship may deem fit and proper in the fact and circumstances of the present case and /or under accordance with law.”

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 Respondent No. 2, namely, the Divisional Commissioner, Patna Division, Patna to consider the petitioner’s case in the light of order passed in Civil Review No. 29 of 2018, titled as Sita Ram Paswan Vs. The State of Bihar & Ors. (Annexure-4).

Learned counsel for the respondents states that if a representation is filed by the petitioner within a period of two weeks, the authority concerned shall consider in accordance with law as also in the light of order passed in Civil Review No. 29 of 2018, titled as Sita Ram Paswan Vs. The State of Bihar & Ors. (Annexure-4), and dispose it of expeditiously and preferably within a period of eight weeks from the date of its



filing along with a copy of this order.

Ordered accordingly.

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. All issues are left open.

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.

The petition stands disposed of in the aforesaid terms.



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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.12.2020
Transmission Date	

