

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3617 of 2020

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Kiran Devi wife of Rajendra Singh, Chairman, District Board, Arwal, District
Arwal, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The District Magistrate cum Collector, Arwal District Arwal
3. The Superintendent of police, Arwal District Arwal
4. The Officer-Incharge, Kinjer District Arwal
5. The Sub Divisional Magistrate, Arwal District Arwal
6. The Anchaladhikari, Karpi District Arwal
7. The Executive Engineer, R.E.O. Arwal District Arwal
8. The Deputy Development Commissioner cum Chief Executive Officer,
District Board, Arwal District Arwal
9. The District Planning Officer, Arwal District Arwal
10. The Additional Collector, Arwal District Arwal
11. The Divisional Commissioner, Magadh Pramandal, Gaya at Gaya
12. Basudev Singh son of Late Baliram Singh, resident of village Nagala,
District- Arwal, Bihar
13. Sheio Kumar Spandan son of late Brij Bihari Prasad resident of Nagala Mor,
District- Arwal, Bihar
14. Ram Chandra Singh son of Late Shaligram Singh resident of Nagla, District-
Arwal, Bihar
15. Vidyanand Singh son of Late Satya Narayan Singh, resident of Nagla,
District- Arwal, Bihar
16. Vesh Lal Singh son of Devnandan Mahto resident of Karhari, District-
Arwal, Bihar
17. Mohan Singh Kushwaha son of Late Dudheshwar Singh District- Arwal,
Bihar
18. Satyadev Singh son of not known Vidhyak Kurtha Bihar Vidhan Sabha,
District- Arwal, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Sewak Prasad, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC 25)

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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 the writ in the nature of quo-warranto or any other writ to ask from the respondent commons as to why and under which law they are creating encroachment Over the Khatiyani Land of District Board, Arwal bearing Khata no. 141, Plot No. 545, Area 0.34 Decimals of village Kinjer Nagala, District Arwal under wrong receiving of NOC of another land constructing Park and statue by the M.L.A. fund.

(ii) For this Hon'ble Court is further prayed to give direction to the State Government and its instrumentalities to stop illegal construction over the Khatiyani land of District Board, Arwal and also to remove encroachment if any found over the land of District Board, Arwal.

iii) For this Hon'ble Court is further prayed for removal of encroachments from the premises/ properties of these state Government and its instrumentalities its Respondents



Common.

(iv) For this Hon'ble Court is further prayed to give direction to all State Government authorities and its instrumentalities for speedy eviction of illegal occupants under the provisions of Bihar Public Land Encroachment Act, 1956 and under the provisions of Panchayati Raj Act, 2001 as contained in section 75 A(1)(iv) and under section 81. District Collectors Cum-District Magistrate also be directed to take steps for eviction of illegal/unauthorized occupants of common land of District Board, Arwal for the use of District Board Arwal which is to be used as per resolution by the members of District Board, Arwal and it is also prayed that as per Supreme Court order passed in Jagpal Singh case 2011 and in another matter Union of India Versus State of Gujrat & Ors. SLA(Civil 8519/2006) which is still pending through an order on 29 September 2009 come to defence of public Spaces.

In the 2009 Hon'ble Supreme Court direction, State Governments were asked to ensure that no temple, mosque or any other place of worship was allowed on Public



Space, street or property and relocation of such structures built alongside national and State highways public parks or other public places and that there he reviewed on a case to case basis and take appropriate steps as expeditiously as possible.

(v) For that Hon'ble Court is further prayed to hold that State Govt. and its instrumentalities can't made construction upon the land of District Board' without proposal passed by the Member of District Board in accordance of law of Panchayati Raj Act.

(vi) For this Hon'ble Court is further prayed for issuance of any other writ/writs, direction/directions for which the petitioner may be found entitled in the given facts and circumstances of this case.

(vii) For this Hon'ble Court in further prayed to interfere to the matter of Govt. policy it is demonstrably arbitrary, capricious, irrational, discriminatory and violative of constitutional or statutory provisions.”

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 nos. 2 and 3, namely District Magistrate-cum-Collector, Arwal and The Superintendent of Police, Arwal, 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	

