

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4255 of 2020

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Chandra Bhanu Jee Son of Niranjana Jha Resident of Village- Mishrapur, Post-
Kumaitha, Police Station- Barh, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar
2. The Divisional Commissioner Bhagalpur Division, Bhagalpur.
3. The District Magistrate At Bhagalpur, District- Bhagalpur.
4. The Circle Officer Sultanganj Circle, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, 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):-

“I) A writ in the nature of mandamus or any other appropriate writ, order or orders, commanding the respondents to vacate the No-Man’s Land about 20 feet width and length 1.5 K.M. approx used as road situated at boundary between Village; Dindayalpur [188] & Kumaitha [190] and same has been illegally encroached by some antisocial elements of the locality.

ii) For direction to the state respondents to get free the encroached public land by proper demarcation and develop it in R.C.C. Road.

iii) For any other relief/reliefs for which the petitioners may be found entitled in



the facts and circumstances of the case.”

Petitioner alleges encroachment over public land, resulting into obstruction of main road by the villagers.

We find that interest of justice can be best met, more so when the alleged encroachers are not arrayed as party-respondent in the present petition, if the petitioner were to approach Respondent No. 3, namely, District Magistrate, Bhagalpur for taking action in removal of all encroachments.

As such, the present petition stands disposed of directing the petitioner to represent before Respondent No. 3, namely, District Magistrate, Bhagalpur within a period of two weeks from today, whereafter the authority concerned shall consider and decide the representation of the petitioner expeditiously, preferably within a period of three months thereafter.

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	

