

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18598 of 2018

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Kailash Prasad, Son of late Bodhi Prasad, Resident of Village- Kendua, P.S.-
Sirdala, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
2. The District Magistrate, Nawada.
3. The Additional Collector, Nawada.
4. The Circle Officer, Sirdala.
5. The Block Development Officer, Sirdala.
6. Ram Vilash Prasad Yadav, S/o Chuhi Yadav, Resident of Village- Kendua, P.S.- Sirdala, District- Nawada, SHO, P.S.- Sirdala, District - Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gauri Shankar Prasad, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 14.09.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief/s:

“(i) For issuance of a writ in the nature of writ of
Mandamus directing and commanding upon the
Respondents to get enquired into the matter by any
agency of the Government of Bihar (by police) with
respect to illegal construction over pyne which is



Aam Gairmazarua Land is used for irrigation purpose which has been covered by Pucca concrete by Respondent No.6 stealthy in the night of 27.04.18 and is trying to make further construction over the pyne thereby caused obstruction in flow of water for irrigation of agricultural land.

(ii) For further direction to remove the illegal constructions of concrete Dhalai and brick built wall in the Pyne for support of Chhajja (Dhalai over Pyne) which caused obstruction in flowing of water through the said pyne.

(iii) For further direction to take action against Respondent No.6 in respect of illegal construction over the Pyne.

(iv) For further direction not to give legal sanction to encroacher who occupy Government land on false assurance or regularization.”

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 making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

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.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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