

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17903 of 2018

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Md. Vajid, Son of Late Md. Suleman, resident of Village and Post -
Gobarsitha, P.S. Kalyanpur, Block Kalyanpur, Samastipur, Bihar - 847301,
Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Secretary, Department of
Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Deputy Collector Land Reforms, Samastipur.
4. The Circle Officer, Kalyanpur, District Samastipur.
5. Shri Bhola Ram, Son of Late Yugal Ram
6. Shri Ram Chandra Ram, Son of Shri Sajjan Ram
7. Shri Kama Kant Ram, Son of Shri Bhola Ram
8. Shri Bisheshwar Ram, Son of Shri Shiv Lal Ram
Respondents 5 to 8 are residents of Village Morwara, P.S. Kalyanpur,
District Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan 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 05.09.2018 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 inter alia for the following
relief/s:

“For issuance of writ of Mandamus/Order/



Command/Direction upon the respondents particularly the official respondents to remove the encroachment from public land i.e. road situated at Panchayat: Kharshand West, Mauza; Kharshand Tola, Morwara, P.S. No. 75, Plot No. 837 (Old) and in the Western portion of this plot there is a 'Nala' situated at Khata No. 512 (Old), Plot No. 837 and that 'Nala' has been encroached by the private respondents who have constructed 'huts' and are using the same with their cattle causing obstruction to the public at large."

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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