

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20154 of 2018**

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Ashok Kumar, Son of Shannilal Das, Resident of Village- Gandhi Nagar,  
Ward No.24, Maksudpur, Post- Fatuha, Police Station- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Divisional Commissioner, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Executive Officer, Nagar Parishad, Fatuha, Patna.
6. The Anchal Adhikari, Fatuha, District- Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate  
For the Respondent/s : Mr.

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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 06.10.2018 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):

“For a direction to the respondents to remove the  
encroachment from the rain water catchment/canal  
area (which is a Govt. canal and known as Hunter in  
the area concerned) situated at Khata No.534, Khesra  
No.2380 and 853, Thana No.23, Mauza -Raipura,  
Anchal-Fatuha, District-Patna, so that the only water



catchment area of the locality remains operational which provides the drainage facility also to the nearby local Mahadalit Tola (Gandhi Tola, Muksudpur & Chainpura Tola) and also provides irrigation to the crops during the off season and the petitioner further prays for removal of encroachment from the part of Plot No.856 which is road in the southern side of the Gandhi Tola, Maksudpur, which goes towards Lalu Chowk and further towards the Fatuha industrial area and petitioner further prays for issuance of any other writ/writs, order/orders, direction/directions which the Hon'ble Court may deem fit and proper.”

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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