

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19954 of 2018

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Surendra Ray, Son of Jangbahadur Ray, Resident of Village- Rasulpur, P.S.-
Bajpatti, Post- Rasulpur, District- Sitamarhi, Janakpur Road, Bihar- 843320.

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Sub-Divisional Magistrate Pupari, Sitamarhi.
5. The Circle Officer, Bajpatti, Sitamarhi.
6. Nuru Ansari, Son of Hadish Ansari,
7. Yunush Ansari, Son of Late Navijaan Ansari,
8. Ishlam Ansari, Son of Late Abhijaan Ansari,
9. Izaharul Ansari, Son of Late Hadish Ansari,
10. Akbar Ansari, Son of Late Sahu Ansari,
11. Shahid Ansari, Son of Late Navijaan Ansari,
12. Moti Ansari, Son of Late Hadish Ansari,
13. Saiyam Ansari, Son of Late Navijaan Ansari,
14. Ashalam Ansari, Son of Late Abhijaan Ansari,
15. Mansur Ansari, Son of Late Idrish Ansari,
16. Samsul Ansari, Son of Late Idrish Ansari,
17. Naim Ansari, Son of Late Navijaan Ansari,
18. Mustakha Ansari, Son of Late Sahid Ansari,
19. Alim Ansari, Son of Late Sahu Ansari,
20. Akil Ansari, Son of Inush Ansari,
21. Azamuddin Ansari, Son of Nail Ansari,

Respondent no. 6 to 21 all residence of Village Rasulpur Ward No.1, P.S.-
Bajpatti, Anchal- Bajpatti, Dist- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Mishra, Advocate
For the Respondent/s :

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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 05.10.2018 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:

“That this PIL is being filed against blocked public
road by private respondent 6 to 21 as a result of
which villagers are facing Lordship day today in
Mauza Rasulpur Ward No.01, Thana No.77 Bajpatti
District-Sitamarhi. Public Road bearing Khata no.40,
Khesara no.581, area 03 decimal by force for which
case no.628 (M)/2018 is pending before learned
S.D.O. Pupari Sitamarhi.”

From the counter affidavit filed on behalf of the
respondents no.2, 4 and 5 that now action already stands taken
which fact is evident from paragraph reproduced hereinbelow:-

“5. That with regard to above
contention made by the petitioner, it is most
respectfully submitted that on application of
the local people led by Shri Satyanarayan Rai
& others of Ward No.01 of Village-Rasalpur,
P.S. Bajpatti, District-Sitamarhi, the Circle
Officer, Bajpatti wrote to Sub Divisional



Magistrate, Pupri dated 30.05.2018 (vide Annexure-5 to this writ petition) to initiate a proceeding u/s 147 of Cr. P.C. and stated therein that the land, in question, upon enquiry made by concerned Halka Karamchari observed to be a road situated on Khata No.40, Plot No.581, Rakba 03 decimals through which the public used to go to Bajpatti road since a long time.”

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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