

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.926 of 2019

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Devkant Sharma, Son of Braj Kishore Singh, Resident of Village- Chitab
Khurd, Police Station- Amas, District- Gaya.

... .. Petitioner

Versus

1. The State Of Bihar through Divisional Commissioner, Magadh Division,
Gaya.
2. The District Magistrate Gaya.
3. The Sub- Divisional Officer, Sherghatti, Gaya.
4. The Circle Officer, Amas, Sherghatti, Gaya.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Dharmesh Kumar, Adv.
For the Respondents : Mr. Anjani Kumar, AAG-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 07-01-2020 The petition filed on 10.01.2019 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 reliefs:

“For issuance of writ of mandamus commanding the
respondents to demolish/remove construction from
the Plot No. 166 and 152 in the river bank of Morhar
river and to remove/demolish
encroachment/construction from Plot No. 683 (Barki
Aahar) and Plot No. 681 (Small Aahar) (reservoir) as
construction pucca and katcha has been made over



the Bhind of reservoir situated in Chitap Khurd village and also by filling the Aahar (reservoir) and to prevent further construction, fill up, digging on the river-bed or river bank of Morhar at Chitap Khurd and reservoir and restore the ecology of river bed as any construction in river bed or river bank will permanently destroy the ecology of river, its ground water recharge ability and will be public trust doctrine, precautionary principle which are part of Article 21 of the Constitution.”

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)

Rajeev Kumar/-

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