

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5401 of 2020

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Awdhesh Kumar Singh Son of Rameshwar Singh, Resident of Village -
Masankhon, P.O.- Balha, P.S. Kuseshwar Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Land Reform, Bihar, Patna.
2. The Collector cum District Magistrate, Darbhanga.
3. The Superintendent Of Police, Darbhanga.
4. The Sub-Divisional Magistrate, Biraul, District- Darbhanga.
5. The Deputy Collector Land Reform, Biraul, District- Darbhanga.
6. The Circle Officer, Kuseshwar Asthan, District- Darbhanga.
7. The S.H.O., Kuseshwar Asthan Police Station, District- Darbhanga.
8. Sunil Mahto, Son of Ram Narayan Mahto, Resident of Village - Masankhon, P.O.- Balha, P.S.- Kuseshwar Asthan, District- Darbhanga.
9. Anil Mahto, Son of Ram Narayan Mahto, Resident of Village - Masankhon, P.O.- Balha, P.S.- Kuseshwar Asthan, District- Darbhanga.
10. Ram Udgar Yadav, Son of Jagdish Yadav, Resident of Village - Masankhon, P.O.- Balha, P.S.- Kuseshwar Asthan, District- Darbhanga.
11. Radhe Shyam Yadav, Son of Jagdish Yadav, Resident of Village - Masankhon, P.O.- Balha, P.S.- Kuseshwar Asthan, District- Darbhanga.
12. Raja Ram Yadav, Son of Jagdish Yadav, Resident of Village - Masankhon, P.O.- Balha, P.S.- Kuseshwar Asthan, District- Darbhanga.
13. Ram Vinod Yadav, Son of Pitambar Yadav, Resident of Village - Masankhon, P.O.- Balha, P.S.- Kuseshwar Asthan, District- Darbhanga.
14. Mahendra Yadav Son of Pitambar Yadav, Resident of Village - Masankhon, P.O.- Balha, P.S.- Kuseshwar Asthan, District- Darbhanga.
15. Jagdish Sah, Son of Buldev Sah, Resident of Village - Masankhon, P.O.- Balha, P.S.- Kuseshwar Asthan, District- Darbhanga.
16. Ashok Yadav, Son of Dhogi Yadav, Resident of Village - Masankhon, P.O.- Balha, P.S.- Kuseshwar Asthan, District- Darbhanga.

... .. Respondent/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr.Dileep Kumar Singh
For the Respondent/s : Mr.Md. Khurshid Alam (Aag12)

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

Date : 22-12-2020

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“For issuance of writ of mandamus for directing and commanding upon the respondent authorities to remove the encroachment made upon Gairmajarua Aam land (Brahm Asthan), Khata no. 285, old Khesra no. 375, Area 0.42 decimal, Mauza Masankhon, Thana/Anchal Kuseswar Asthan, Thana no. 218, District- Darbhanga which have been encroached by the private respondent no. 8 to 16 and/or for issuance of appropriate writ or direction for which his lordship may deem fit and proper under the circumstances of the case stated hereinafter.”

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 filing for redressal of the grievance(s).

State has no objection to the same.

As such, petition is disposed of in the following terms:

The petitioner shall file a representation before the authority concerned within a period of eight weeks.

The concerned respondent is directed to consider and



decide such representation expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

The proceedings, during the time of current Pandemic-Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

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.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing be afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rrajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

