

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5559 of 2020

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1. Ramesh Singh, Son of Chandraman Singh, Resident of Village and Post-Bindaal, Police Station-Bihta, District-Patna.
 2. Shiv Shankar Singh @ Ansan Kumar Singh, Son of Shobha Singh, Resident of Village and Post-Bindaal, Police Station-Bihta, District-Patna.
 3. Arbind Kumar Singh, Son of Late Krishnandan Singh, Resident of Village and Post-Bindaal, Police Station-Bihta, District-Patna.
 4. Sahajanand Singh, Son of Ramjatan Singh, Resident of Village and Post-Bindaal, Police Station-Bihta, District-Patna.
 5. Ajit Kumar Singh, Son of Ram Anup Singh, Resident of Village and Post-Bindaal, Police Station-Bihta, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Home Secretary, Government of Bihar, Patna.
5. The Director General of Police, Bihar, Patna.
6. The Principal Secretary, Department of Mines and Minerals, Government of Bihar, Patna.
7. The District Magistrate, Patna.
8. The District Mining Officer, Patna.
9. The Senior Superintendent of Police, Patna.
10. The Sub Divisional Officer, Danapur, Patna.
11. The Deputy Collector, Land Reforms, Danapur.
12. The Circle Officer, Bihta.
13. The Station House Officer, Bihta Police Station, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ambuj Nayan Chaubey, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha, SC-19

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-12-2020



Petitioners have prayed for the following relief(s):-

“That by way of filing the present writ petition, the petitioners craves the indulgence of this Hon'ble Court for grant of following reliefs:

(i) Issuance of an order, direction or writ in the nature of Mandamus, Commanding the respondent authorities to maintain the law and order situation in the village- Bindaul, P.S- Bihta in the district of Patna, which has deteriorated because of the clash between settlies, to whom possession has been given contrary to the lands settled and who have indulged themselves in illegal mining of sand on their lands, which were settled for agricultural purpose only and the settlies for sand executions by the mining by department, Government of Bihar.

(ii) Issuance of an order, direction or writ in the nature of Mandamus, commanding the responding authorities to provide for specified link pathways link pathways from mining area auctioned to the nearest main road for transportation of sand mines so to curb illegal and to restrain the law and order problem.

(iii) Any other relief or reliefs to which the petitioners in the facts may be found entitled to and Circumstances of this case.”

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the Government level by the appropriate authorities.



After the matter was heard for some time, learned counsel for the petitioners submits that petitioners shall be content if a direction is issued to the concerned respondent(s) to consider and decide the representation which the petitioners shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners 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 afforded to the parties.

Liberty reserved to the petitioners 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. All issues are left open.

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.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.12.2020
Transmission Date	

