

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6325 of 2020

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Awadhesh Prasad Son of Late Harihar Prasad, Resident of Village/Mohalla-
Bardaha, P.S. Islampur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
3. Commissioner Patna Division, Patna.
4. District Magistrate, Nalanda.
5. Senior Superintendent of Police, Nalanda.
6. Additional Collector, Nalanda at Bihar Sharif.
7. Deputy Collector Land Reforms, Hilsa, Nalanda.
8. Circle Officer, Islampur, District- Nalanda.

... .. 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.Ritesh Kumar
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

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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):-

"(a) By issue of an appropriate writ the respondents be commanded/directed to remove encroachment from Gairmazarua land (public land) namely Khata No. 140, Plot No. 704, Area 62 decimal situated in village Bardaha Thana



No. 132, P.S. Islampur, District- Nalanda which will here in after be referred to as the lands in question.

(b) By issue of an appropriate writ the respondents be directed/commanded to give effect to the recommendations of the Revenue Karamchari, Circle Inspector and Circle Officer who on local inspection had found the lands illegally encroached recently without there being any valid paper and the order dated 17.01.2020 passed by respondent no. 6 be quashed.

(c) By issue of an appropriate writ the respondents be directed to fix responsibility upon the delinquent staff/officer responsible for illegally entering the name in Register-II and the erring person be extremely dealt with.

(d) By an ad-interim order it be directed that during pendency of the writ application no person will change the configuration of the lands in question nor will lease, transfer, alienate or encumber the same in any manner during the pendency of the writ application."

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

