

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6843 of 2020

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Antu Kumar Son of Raj Kishor Singh, Resident of Village-near Shiv Mandir
Bindusar Bujurg, Police Station-Siwan Muffasil, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The Sub-Divisional Officer, Siwan Sadar, District-Siwan.
6. The Executive Engineer, Road Division, Siwan.
7. The Executive Engineer, Rural Works Department, Works Division-01, District-Siwan.
8. The Block Development Officer, Pachrukhi Block District-Siwan.
9. The Circle Officer, Pachrukhi, District-Siwan.
10. The S.H.O. Pachrukhi Police Station, District-Siwan.

... .. 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. Ajay Kumar Tiwary
For the Respondent/s : Mr. Ajay (Ga5)

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

Date : 23-12-2020

Heard learned counsel for the parties.

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



"(i)For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to remove the encroachment over the drainage of village Bindusar Bujurg near Shiv Mandir, Block Pachrukhi, District–Siwan over the main road of Siwan Barharia, which has been illegally encroached by the anti social elements and due to which there is problem of water logging.

(ii)For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities to clean the drainage of village Bindusar Bujurg near Shiv Mandir, Block Pachrukhi, District – Siwan over the main road of Siwan Barharia and immediately mitigate the problem of water logging over the drainage of village Bindusar Bujurg, Block Pachrukhi, District – Siwan over the main road of Siwan Barharia."

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

