

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6699 of 2020

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Gaya Goshala and Ramdih Gosadan Through its Secretary Mukesh Khandelwal, Aged about 59 years, Male, Son of Sri Narayan Khandelwal, Resident of Mohalla- Saheed Road, Gaya, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Animal Husbandry and Fisheries Resources Department, Government of Bihar, Patna.
3. The Director, Animal Husbandry Directorate, Bihar, Patna.
4. The Goshala Vikash Padadhikari-cum- Registrar Goshala, Bihar, Patna.
5. The Divisional Commissioner Magadh Division, Gaya.
6. The District Magistrate- Cum- Collector Gaya.
7. The Sub- Divisional Officer Gaya Sadar, Gaya.
8. The Deputy Collector Land Reforms, Gaya.
9. The Circle Officer Rampur, District- Gaya.
10. The Circle Officer Wazirganj, District- Gaya.

... .. 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.Sanjay Kumar Sharma
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

2 23-12-2020 Heard learned counsel for the parties.

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

"That the present Public Interest Litigation petition has been preferred before this Hon'ble Court for issuance of writ/writs, order/orders, direction/directions specially to the District Magistrate, Gaya, to hold an enquiry and only



thereafter remove the encroachment from the public land having an area of 200 Acres land for Gaya Goshala and Ramdih Goshala of Warsaliganj and Rampur circle at Gaya, the said land of the Goshala were encroached illegally by maneuvering of the official respondents as well as local influential people after paying heavy amount and the Gaya Goshala and Ramdih Goshala are one of the most famous Goshalas for the safety of the cattle and also provide milk to the local people, but the same is verger of closure and if the proper action has not been taken the entire Goshala land has to be encroached by the unlawful persons being the important and costly lands as per the present valuation of the Gaya District.

And further be pleased to issue direction to the respondent authorities after holding guilty punishment has to be made in accordance with law and to realize the cost and land for the Gaya Goshala and Ramdih Gosadan, which was registered under Bihar Goshala Act, 1950.

And further be pleased to issue direction to the authorities concerned to pay compensation to the aforesaid Goshala, for which the said Goshala land was acquired to built/construct Gaya-Jethian Road by the State Officials as admissible under law."

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)

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