

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9713 of 2020

1. Ashok Singh Son of Late Chandradip Sinha @ Late Chandradeep Singh, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
2. Sahjendra Kumar Sinha, Son of Late Bhagwan Das Singh, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
3. Baleshwar Singh, Son of Late Chandradip Sinha @ Late Chandradeep Singh, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land Revenue and Land reform Department, Patna.
2. The District Magistrate-cum-Collector, Patna.
3. The Circle Officer, Anchal - Phuwari Sharif, Patna.
4. Rambabu Paswan, S/o Late Jhagru Paswan, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
5. Bijay Paswan, S/o Late Jhagru Paswan, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
6. Ramakant Singh, S/o Late Ramdeo Singh, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
7. Arvind Kumar, S/o Late Ramdeo Singh, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
8. Sujit Kumar, S/o Late Dineshwar Prasad Singh, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
9. Chandan Paswan, S/o Late Gariban Paswan, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
10. Kamlesh Singh, S/o Ramakant Singh, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
11. Ranjit Kumar Manjhi, S/o Dhorha Manjhi, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
12. Chhotan Manjhi, S/o Late Dashai Manjhi, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
13. Arjun Manjhi S/o Late Bhrigu Manjhi, Resident of Village - Ismailpur, P.O.-



- Nisarpura, P.S.- Parsa Bazar, District - Patna.
14. Ramsharan Mochi, S/o Late Ram Prit Mochi, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
 15. Tuntun Manjhi, S/o Dukhut Manjhi, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
 16. Sunil Rabidas, S/o Ramsharan Rabidas, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
 17. Sudama Rabidas, S/o Late Saguni Rabidas, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
 18. Bhushan Rabidas, S/o Late Saguni Rabidas, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
 19. Sadhu Rabidas, S/o Late Laddu Rabidas, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
 20. Ajay Rabidas, S/o Late Laxman Rabidas, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
 21. Gorakh Rabidas, S/o Late Laxman Rabidas, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
 22. Jugeshwar Rabidas, S/o Late Brijnandan Rabidas, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
 23. Rabi Rabidas, S/o Ramji Rabidas, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
 24. Baleshwar Rabidas, S/o Late Brijnandan Rabidas, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.
 25. Lalan Manjhi, S/o Late Ramashish Manjhi, Resident of Village - Ismailpur, P.O.- Nisarpura, P.S.- Parsa Bazar, District - Patna.

... .. 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.Pramod Kumar Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

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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.

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

"That by was of this Public Interest Litigation Petition, prayer is made by the petitioners for issuance of the writ in the nature of 'Mandamus' or in any appropriate writ commanding the Government respondents to perform their public duty and to remove encroachments from the public land being paiyeeen and Ahar (Water canal for agriculture purpose (in nature which is Gairmajarua Aam Land, bearing Khesra (Plot) No, 1121, Khata No. 128, Thana No. 69 situated in Mauja-Ismailpur, P.S. - Parsa Bazar, Anchal Phulwari Sharif, District - Patna, which Canal is called as 'Ismailpur Dhibra Nahar' which is encroached by private respondent no.4 to 25 and some others.

Resulting thereby western part of aforesaid Paiyeeen (about 7:00 Kms) was renovated and revived by cutting and digging and this encroachment part (bout 0.5 Km.) could not be renovated and revived due to existing encroachments resulting thereby so many impediments and losses to the aggrieved farmers and local persons."

After the matter was heard for some time, learned counsel for the petitioners submit that petitioners shall be content if a direction is issued to the concerned respondents to consider and decide the representation which the petitioners 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 petitioners 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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners take 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 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.

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

