

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.202 of 2016

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Mahesh Kumar son of Late Shivdhari Singh, resident of village-Udaini, P.O.-
Mitanchak, P.S. Gopalpur, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Patna
3. The Sub-Divisional Officer, Patna Sadar, Patna
4. The Circle Officer, Sampatchak Block, District- Patna
5. The Block Development Officer Block- Sampatchak, Patna, District- Patna
6. Surendra Manjhi@Hari Majhi S/o Late Nan Manjhi
7. Dulari Devi D/o late Nank Manjhi
8. Pati Manjhi S/o Bidesi Manjhi
9. Laxu Manjhi S/o Pati Manjhi
10. Shiv Manjhi S/o Pati Manjhi
11. Kundan Manjhi S/o late Rameshwar Manjhi
12. Chote Manjhi S/o Laxu Manjhi All of then Resident of Village- Udaini, P.O.
Mithanchak, P.S. Gopalpur, 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.Abhay Kumar, Adv
For the Respondent/s : Mr.AAG3-Roy Shivajee Nath

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

Date : 21-12-2020



Heard learned counsel for the parties.

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

"That this Public Interest Litigation is being filed for issuance of a writ in the nature of writ of Mandamus directions the respondent authorities to remove the illegal construction of Indra Awas on Aam gairmazarua Canal(Paine) public land bearing Plot No. 357 and 351 under Khata No. 151, Tauzi No. 402 Thana No. 102 situated at village Udaini under Block Sampatchak District Patna."

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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.01.21
Transmission Date	NA

