

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8363 of 2020

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Ram Naresh Ram S/o Late Faudar Ram Resident of Tarar, P.S.- Daud Nagar,
District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Principal Secretary, Gram Panchayat Raj, Government of Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The Sub Divisional Officer, Daud Nagar.
6. The Executive Engineer, Rural Works Department, Work Division, Daud Nagar, Aurangabad.
7. Birendra Prasad S/o Late Keshav Prasad Resident of Village- Daud Nagar (Bhakhaura More), P.S.- Daud Nagar, P.O.- Bhakhaura More, District- Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ritika Rani, Mr.Ritu Raj, Mr.Dinu Kumar, Advocates
For the Respondent/s	:	Mr.Lalit Kishore (AG) Mr.Patanjali Rishi, Advocate Mr.P.N.Shahi, AAG-6

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 09-10-2020 Petitioner has prayed for the following relief(s):-

“A. For issuance of writ in the nature
of mandamus for commanding the State
respondents to not change the nature of
structure/status of Khata no.371, Plot No.1158,
Area-8 Acre, 49 decimal situated in village
Tarar, Gram Panchayat Tarar, Police Station



Daud Nagar, District-Aurangabad) which is recorded as Aam Gram Mazarua land meant for Place (Murdghatti)/cremation place, graveyard for public uses in revenue record of the State of Bihar in construction of road.

B. For commanding the respondents to stop on going construction of road by Rural Work Department, Government of Bihar over Khata no.371, Plot No.1158, Area-8 Acre, 49 decimal situated in village Tarar, Gram Panchayat Tarar, Police Station-Daud Nagar, District-Aurangabad which is murdaghati burial place/graveyard meant for public uses as per law decided by Hon'ble Supreme Court in the case of Jagpal Singh & Ors vs State of Punjab & Ors in civil appeal no 1132 of 2011 arising out of SLP(C) No.3109/2011.

C. For commanding the respondents to take action against erring officials who have approved and sanction money for construction of road over land meant for Murdghatti/graveyard which is out and out misuse of public money.

D. Also for necessary relief/reliefs, order/orders, direction/directions for which petitioner entitled in the eyes of law.”

Considering the nature of grievance raised in the application, we are of the considered view that it would be appropriate if the petitioner were to first approach the respondent authorities by way of filing representation.



The present application is, accordingly, disposed of reserving liberty to the petitioner to file appropriate representation before the appropriate authority. If such a representation is filed by the petitioner, the authority concerned is directed to consider the same and dispose it of expeditiously and preferably within a period of four weeks thereafter. Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petitions, if so required and desired.

With the aforesaid observations, this application is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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