

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12204 of 2019

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Mossamat Shobha Devi, Wife of Krishan Mishra, At Mohalla- Adalatganj
Amarnath Road, Patna P.S. Kotwali District- Patna Durga Mandir.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Commissioner, of Bihar of Old Secretariat, Bailey Road, Patna.
2. Commissioner, Patna Division, Patna.
3. District Magistrate, Patna.
4. Additional Collector Establishment Patna.
5. The L.R.D.C. Patna.
6. Sub- Divisional Officer, Patna Sadar Town, Gandhi Maidan
7. The Block Development Officer, Patna Gandhi Maidan, Patna.
8. The Circle Officer, Patna, Gandhi Maidan, Patna.
9. Town Commissioner, (Nagar Ayukt Patna) Gandhi Maidan, Patna.
10. Mayer of Nagar Nigam, Patna, Gandhi Maidan Patna.
11. Patna Nagar Nigam, Patna, Gandhi Maidan, Patna.
12. Senior Superintendent of Police, Gandhi Maidan, Patna.
13. Superintendent of Police, Gandhi Maidan, Patna.
14. Officer Incharge, Kotwali, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Pushkar Narain Shahi AAG 6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2020

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

“For issuance of writ or writs, order or orders,
direction or directions commanding upon the
respondents to stay or set aside the encroachment of



the Mandir (big temple) of Maa Durga and God Shankar and big temple of Hanuman God has been established more than 50 years ago at Mohalla-Adalatganj near High Court, 4th grade quarter on the bank of Talab Adalatganj which is very far away from road and the petitioner is Sadhvi and Pujarin of that temple for last after the death of her mother in law Shiv Kumar Devi wife of late Bindeshwari Prasad Mishra at Mohalla- Adalatganj Durga Mandir, P.S.-Kotwali, District- Patna and above land has been settled by the Nagar Nigam Patna and Circle Officer of Circle No. 242, Holding No. 33 order dated 1.11.91 and tax has been paid earlier also and in the eyar 1990-91 dated 25.10.1991 receipt no. 194/33 has deposited by the husband of the petitioner and affidavit no. 2278 dated 29.10.91 has been given by the Tax by the mother in Law of petitioner and husband and Malikana Haque has been given by Administrator on 1.11.91 and after the death of mother in law has given Power of only son Ram Krishna Mishra son of Late Bindeshwari Mishra and Srimati Shobha Devi wife of Late Ram Krishan Mishra and Patna Municipal Corporation has ordered for Malikana Haque may be noted of petitioner husband late Ram Krishan Mishra and her wife Smt. Shobha Devi on dated 29.10.91 and proposal has been recommended by Nagar Nigam on 31.10.91 by Administration Officer and name of this petitioner has been recommended for Malikana Haque by Circle Officer, Patna on 6.11.91.”

Despite repeated calls, none appeared on behalf of



the petitioner.

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the local level by the appropriate authorities.

We find that the interest of justice should be best served, if petitioner approaches the concerned respondent within a period of four weeks for venting out his all rights and grievances also pointing out issues of public interest, including the subject matter of the present petition.

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

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 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. All issues are left open.

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.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	11.12.2020
Transmission Date	

