

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13942 of 2019

=====

Surendra Kumar Bhadani son of Vishnu Prasad Bhadani, Resident of
Mohalla- Katari Hill Road, P.S.- Civil Lines, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Divisional Commissioner Magadh, Commissioner Office, Magadh
Division, District- Gaya.
3. The District Magistrate, Collectriate Building Gaya, District- Gaya.
4. The Mayer, Gaya Nagar Nigam, District- Gaya.
5. The Commissioner, Gaya Municipal Corporation, District- Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Chandra, Advocate

Mr.Amit Kumar, Advocate

For the Respondent/s : Mr.Yogendra Prasad Sinha (A.A.G.7)

=====

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):-

- “(i) For issuance of an appropriate writ/writs/order/orders
for commanding the Respondents for a direction to
clean the main Nala (which flows east to west) of
Katari Hill Road as well as to also clean the outlet of
main drainage.
- (ii) For a direction to the Respondents authorities to
remove the encroachment from main Nala (drainage)
of Katari Hill Road, Gaya.
- (iii) To pass any other order/orders as your lordships may
think and proper for the end of justice.”



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 respondent no.3, namely, the District Magistrate, Gaya 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)

chn/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2020
Transmission Date	

