

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14807 of 2019

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Avadhesh Prasad, S/o Late Ragho Yadav, Resident of Village Brapur, Police
Station- Sare, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue and Land Reforms Department, Government of Bihar, Patna
2. The Divisional Commissioner, Patna Division, Patna
3. The Collector cum-District Magistrate, Nalanda at Bihar Sharif
4. The Sub-Divisional Officer, Bihar Sharif, Nalanda at Bihar Sharif
5. The Anchal Adhikari, Asthawan, P.S.- Asthawan, District-Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (AAG-12)

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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):-

“That the Petitioner being public representative and also being authorized by the public of Brapur Village to file this public interest litigation in the interest of public in General of the locality and thus, prays for issuance of an appropriate writ/writs, direction/directions and/or order/ orders commanding the respondents to stop the Construction made in the water bodies of Village-Brapur over Khata No. 106, Plot No.



383 area 65 Decimal, and where building for Anganwadi Centre is going to be constructed by the Government itself, whose permission was obtained for constructing the same. The said land on which the building construction is going on is Gairmajarua Aam land which is in the nature of “Khajana of Water” The only source for irrigation of agriculture and situated in and around village Brapur Police Station Srae District-Nalanda, detailed mentioned in record of rights.”

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 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)

Amrendra/Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.12.2020
Transmission Date	

