

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16619 of 2019

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Sunil Kumar Chaudhary, Son of Asharfi Chaudhary, resident of Village-
Hatadh Rupauli, Police Station Bhairab Asthan, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Revenue Department,
Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub-Divisional Officer, Public Grievance Redressal, Jhanjharpur,
District- Madhubani.
4. The Anchal Adhikari, Jhanjharpur, District- Madhubani.
5. Yogapati Jha, Son of Late Punapati Jha, resident of Village Hatadh Rupauli,
P.S.- Bhairab Asthan, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhas Ranjan, Advocate
For the Respondent/s : 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):-

“1(A) A mandamus commanding the respondents to remove encroachment over the land situate in Village Hatadh Rupali in the District of Madhubani over Khata N. 595(old) Plot No. 2008 (old) which is government/public Pond.

(B) Any other relief or reliefs for which petitioner may be found entitled to in the facts and circumstances of the case may be granted.”

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)

Amrendra/Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.12.2020
Transmission Date	

