

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17415 of 2019

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Rajeev Lochan Kumar, Son of Sachchdia Nand Singh, R/o Village and P.O.
Manika, Bishunpur Chand, P.S.- Mushahari, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary Revenue and Land Reforms Department,
Government of Bihar, Patna
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, Muzaffarpur, District - Muzaffarpur
5. The District Panchayat Raj Officer, Muzaffarpur, District-Muzaffarpur
6. The Sub-Divisional Officer, East Muzaffarpur, District-Muzaffarpur
7. The Circle Officer, Mushahari, District-Muzaffarpur
8. The Mukhiya, Gram Panchayat Raj, Manika Bishunpur Chand, Block
Mushahari, District-Muzaffarpur
9. The Panchayat Secretary, Gram Panchayat Raj, Manika Bishunpur Chand,
Block Mushahari, District-Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate.
For the Respondent/s	:	Mr. Sajid Salim Khan, SC 25 Ms. Prakritita Sharma, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2020

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

“1.(I) For issuance of an
appropriate writ in the nature of



CERTIORARI for quashing the letter no. 1052 dated 14.06.2019 issued by the Respondent no.7 addressed the Respondent no.5 whereby and where under the Respondent no. 7 recommended for construction of Panchayat Sarkar over the land bearing Khata No. 798, Khesra No. 2623, measuring an area 6.18 Acres situated under the Gram Panchayat area of Manika Bishunpur Chand of Mushahari Block of Muzaffarpur District on the ground that the said recommendation has been made by the Respondent no.7 contrary to the circular of the State Government as well as direction of this Hon'ble Court since the said land is a Pokhar in the name of "Muraman Pokhar" and the same is being used by the farmers for irrigating their land as well as bathing of their animals.

(II) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent nos. 1 to 4 to take suitable action against the Respondent nos. 5 to 9 for doing wrongful act as also to restrain the Respondents for construction of Panchayat Sarkar Bhanwan over the land in question on the ground that the said land is a pond and taking into



consideration of the lower down the water level, this Hon'ble Court as well as the State Government issued direction that nature of the water sources could not be changed.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

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 Government level by the appropriate authorities.

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the respondent no. 3, namely, the Divisional Commissioner, Tirhut Division, Muzaffarpur, to consider and decide the representation which the petitioners shall be filing for redressal of the grievance(s).

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 petitioners 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)

(Partha Sarthy, J)

Amrendra/Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2020
Transmission Date	

