

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18719 of 2019

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Pankaj Kumar, Son of late Vashishth Narayan Chaudhary, Resident of
Village- Bhatawaliya, P.S. Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur Bihar,
3. The Deputy Development Commissioner Cum Chief Executive Officer, Zila Parishad, Muzaffarpur, Bihar.
4. The President, Zila Parishad, Muzaffarpur, Bihar.
5. The District Engineer, Zila Parishad, Muzaffarpur, Bihar.
6. Braj Kishor Singh, S/o Chandrika Pd. Singh, R/o Mohalla- Brahmpura, P.S.- Brahmpura, District- Muzaffarpur.
7. Anil Kumar Singh, S/o Upendra Singh, R/o Vill.- Bhagwanpur, P.S.- Sadar, Muzaffarpur.
8. Rahul Raj, S/o Dinesh Prasad Singh, R/o Bhagwanpur, P.S.- Sadar, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar Sinha, Advocate
For the Respondent/s : Mr.Pushkar Narain Shahi, AAG 6.

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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

Petitioners have prayed for the following

relief(s):-

“1. (a) to issue appropriate rule/rules,
order/orders, direction/directions in the nature
of Certiorari to quash Memo no. 33 dated
28.02.2011 (Annexure-3) which is issued
under the signature of Respondent no.3



whereby and where under the valuable public immovable property of Zila Parishad, Muzaffarpur has been settled by way of pre dated lease agreement in favour of private persons of the locality without any previous approval of the government.

(b) to issue any other relief/reliefs as petitioner is entitled for in Public Interest as per law.”

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 concerned respondent(s) to consider and decide the representation which the petitioner has already filed vide Annexure-7, and 9, for redressal of the grievance(s).

Learned counsel for the respondents states that the authority concerned shall consider and dispose the representation referred to above, expeditiously and preferably within a period of three months from the date of presentation of a copy of this order and take consequential action, if



required.

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/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2020
Transmission Date	

