

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15445 of 2018

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Ram Parbesh Singh Son of Ram Sagar Singh, Resident of Village- Bariarpur
Gram Panchayat, P.O.- Rahatpur, P.S.- Ballia, District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Begusarai.
3. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Begusarai.
4. The Circle Officer, Ballia Block, District- Begusarai.
5. The Sub Divisional Officer, Ballia Sub Division, District- Begusarai.
6. The Block Development Officer, Ballia Block, District- Begusarai.
7. The Executive Magistrate, Ballia Block, District- Begusarai.
8. Sri Dilip Kumar Singh, Son of Late Suresh Prasad Singh, Resident of Village- Bariarpur, P.S.- Ballia, District- Begusarai- Mukhiya of Bariarpur Gram Panchayat.
9. Sri Sant Lal Sharma, Son of Ram Shagun Sharma, Panchayat Sachiv Bariarpur Gram Panchayat, P.S.- Ballia, District- Begusarai.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Abul Kalam
For the Respondent/s : Mr.Anil Kumar Sinha -Ga1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 03.08.2018 is listed for
hearing for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.



Petitioner has prayed for the following relief:

“(A)For issuance of a Writ of mandamus commanding upon the respondent no.4, the C.O. Ballia to decide the Encroachment Case No. 2 of 2016-17 without any further delay in the light of High Court order dated 27.4.2017 passed in C.W.J.C. No. 18961 of 2016 Dilip Kumar Singh Vs. The State of Bihar and others vide Annexure-1 by removing the encroachment from the public land.

(B) And also for a direction to respondent authorities specially respondent no.8 and 9, Mukhiya and Panchayat Sachiv, of Bariarpur Gram Panchayat to explain how and in what manner, the work of reconstruction of Bariarpur Panchayat Bhawan was passed in a Gram Sabha Meeting on 15.8.2017 vide proposal no.4 of the Minutes of the said meeting under the scheme of 4th State Finance Commission while the scheme had already been closed by the State of Bihar by efflux of time and the operation of Bank account of the concerned Gram Panchayat had also been closed by the order of respondent no.3 vide Annexure-3

© For a direction to the said Mukhiya and Panchayat Sachiv (respondent nos. 8 and 9) to explain how they managed to withdraw a sum of Rs 2,07,500/- in two instalments on 26.11.2017 and 05.12.2017 from the Bank under the scheme



of 4th State Finance Commission while the operation of the Bank Account of the Grame Panchayat had already been closed w.e.f. 15.02.2017 vide Annexure-3.

(D) And for a direction that the work of Reconstruction of Bariarpur Gram Panchayat be kept on abeyance till further order.”

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 respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

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.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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