

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4315 of 2021

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Hira Lal Jha Son of Purushotam Jha, Resident of Village - Nonaity Mangwar,
Ward No. 14, P.S. Sonbarsa, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The Divisional Commissioner, Koshi Division, Saharsa.
4. The District Magistrate-cum-District Collector, Saharsa.
5. The Sub-Divisional Officer, Sadar, District - Saharsa.
6. The Block Development Officer, Sonbarsa, District - Saharsa.
7. The Circle Officer, Sonbarsa Block, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Mr. A.C. to A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 09-03-2021

This writ petition in the nature of PIL has been filed for direction to respondent authorities to remove the encroachment from government land appertaining to Khata No.673, khesra No.2624, Thana No.20, Mauza- Nanauti, Block and P.S. Sonbarsa, District, Saharsa which has been selected and demarcated for constructing Primary Health Centre in the year 2012 but same has been encroached upon by some anti-social elements and in absence of removal of encroachment, Primary



Health Centre building could not constructed, as such, public cause is suffering on account of inaction of the authorities in removing the encroachment.

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 filing for redressal of the grievance(s).

State has no objection to the same.

As such, petition is disposed of in the following terms:

The petitioner shall file a representation before the authority concerned within a period of four weeks.

The concerned respondent is directed to consider and decide such representation expeditiously and preferably within a period of two 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 be 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 of the case.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.03.2021
Transmission Date	NA

