

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9868 of 2020

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Kamlesh Prasad Singh Son of Late Lal Babu Singh, Resident of Village -
Laxman Nagar Ward No. 12, Police Station- Gayaghat, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Executive Engineer P.H.E.D. Muzaffarpur.
4. The Circle Officer Block Gayaghat, District - Muzaffarpur.
5. The Block Development Officer, Block - Gayaghat, District - Muzaffarpur.
6. The Mukhiya Gram Panchayat Rajya Laxman Nagar, Block- Gayaghat, District - Muzaffarpur.
7. The Panchayat Secretary gram Panchayat Rajya Laxmanagar, Gayaghat, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 21-06-2021

Petitioner has prayed for following relief:-

“This writ application by way of public interest litigation is being filed on behalf of the petitioner for issuance of an appropriate writ or writs, order or orders and direction or directions to the respondents for setting aside the selected plan of Panchayat Sarkar Bhawan Panchayat Government Building Village- Makrandpur, Panchayat Laxman Nagar, Police Station and Block- Gayaghat, District- Muzaffarpur passed by Block



Development Officer, District- Muzaffarpur (respondent no.5) and after setting aside the aforesaid plan issued the direction to respondents to prepare fresh plan or make the Panchayat Sarkar building as per Rule Panchayat Sarkar building should be constructed in panchayat Mukhyalaya village and as per record Panchayat Mukhiya Laxman Nagar and some piece of lands are available in the Panchayat Mukhiyalaya Laxman Nagar but present Mukhiya have prepared the plan for construction of Panchayat Sarkar Bhawan far away from Panchayat Mukhyalaya. A public petition was also given to authority concerned but they are not taken any step for construction of Panchayat Sarkar building in the eye of law. And after hearing this PIL may kindly punish to the responsible persons who have prepared the plan for construction of Panchayat Sarkar building without apply his judicial mind.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today 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.



Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and



subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) 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, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2021
Transmission Date	NA

