

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9884 of 2020

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Gaurav Kumar Singh, son of Anjani Kumar Singh, resident of Flat No.- 302,
Shashi Sudama Niketan, Road No.- 02, Rajendra Nagar, P.O.- Rajendra
Nagar, P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar at Patna.
2. The Bihar Health Department, Government of Bihar at Patna through the Principal Secretary, Bihar at Patna.
3. The Principal Secretary, Bihar Health Department, Government of Bihar at Patna.
4. Rural Development Department, Government of Bihar at Patna through the Principal Secretary, Bihar at Patna.
5. Bihar State Building Construction Corporation Limited (B.M.S.I.C.L.), through the Development Commissioner-Cum- Director, Bihar at Patna.
6. Patna Municipal Corporation, through the Municipal Commissioner, Bihar at Patna.
7. The District Magistrate, Patna, District- Patna.
8. Nalanda Medical College and Hospital (N.M.C.H), Bihar at Patna through its Principal, Bihar at Patna.
9. The Principal, Nalanda Medical College and Hospital (N.M.C.H), Bihar at Patna.
10. The Superintendent, Nalanda Medical College and Hospital (N.M.C.H), Bihar at Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, GA 8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 05-01-2021

Petitioner has prayed for the following relief(s):

“I. For issuance of writ, order or direction in the
nature of Mandamus to the respondent authorities to not fill the



leftover natural ponds situated inside the campus of Nalanda Medical College Hospital (N.M.C.H.) at Agamkuan, Patna;

II. For issuance of writ, order or direction in the nature of Mandamus to command and direct the respondent authorities to remove all the encroachments from the ponds on the ground that already three natural ponds have already been filled and concrete structure has been erected in their places without any greenery being planted;

III. For issuance of writ, order of direction in the nature of Mandamus to command and direct the respondent authorities to construct further building for the purpose of expansion of hospital as mentioned in paragraph 5 of the writ petition;

IV. And for issuance of any other relief or relief(s) for which the petitioners are entitled for.”

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.

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.

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 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.

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, also stands
disposed of.

(Sanjay Karol, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

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