

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10205 of 2020

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Bhushan Sharma son of Shiv Sharan Singh resident of Village- Neori, P.O.-
Neora, Police Station- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Inspector General of Police, Patna Zone, Patna.
5. The Divisional Commissioner, Patna Division, Patna.
6. The District Magistrate, Patna.
7. The Senior Superintendent of Police, Patna.
8. The Deputy Superintendent of Police, Danapur, Patna.
9. The Deputy Collector, Land Reforms, Danapur, Patna.
10. The Circle Officer, Bihta, Patna.
11. The Station House Officer, Neura, Bihta, Patna.
12. Mr. Mahesh Yadav, resident of Village- Usari, P.S.- Shahpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shiva Shankar Prasad Singh
		Mr. Pushpendra Priyadarshi, Advocates
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG 12

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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

Heard the parties.

Petitioner has prayed for following reliefs:-

“(I) For issuance of an appropriate writ, order or
direction in the nature of mandamus directing and



commanding the respondents to remove encroachment made over public land Gair Majarua Aam in nature (Government land) of Khata No.124, Plot No.1263, Area 3.20 acre, khata no.125, plot no.562, area 1.6 acre, plot no.1263/1288 area 32 dec., situated within old Mauza-Neura, Thana No.76 by respondent no.12, which is at present river.

(ii) For issuance of an appropriate writ, order or direction to the respondents to act on the applications which are given by General Public to them and it is being kept pending by them. And to execute the order passed by the Circle Officer, Bihta, Patna through memo no.1365 dated 09.09.2019 in encroachment case No.06/2019-20, State Vrs. Mahesh yadav (respondent no.12) by which it is directed to Mahesh yadav (respondent no.12) to remove the encroachment from the above mentioned land till 24.09.2019, but it is not removed till date.

(iv) For issuance of an appropriate writ, order or direction to conduct enquiry against the Sub-Divisional Officer, Danapur; the Land Reforms Deputy Collector, Danapur; the Circle Officer, Bihta; the Station House Officer, Bihta and O.P. In – charge Neora for role attributed by them for encroachment and helping the encroacher for encroachment.

(iv) For issuance of an appropriate writ,



order or direction granting any other relief or reliefs for which the petitioner and other villagers of the petitioner are found under the law under beneficial schemes initiated by the State Government and Union of India.

(v) And/or pass such other order or direction as your Lordships may deem fit and proper for the ends of justice.”

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

