

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.600 of 2021

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1. Biren Kumar Verma, Son of Chandradev Sharma, Resident of Maharajghat, Bari Khaujarpur, Police Station- Barari, District - Bhagalpur, presently functioning as Secretary, District Football Association, Bhagalpur.
 2. Mohammad Nasar Alam, Son of Syed Md. Manzar Alam, Resident of Ashiyana Manzil near Madina Masjid, Bhikhanpur, Gumti no. 3, P.S. Bhikhanpur, District - Bhagalpur, presently functioning as Secretary, Athletic Association, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Town and Urban Development Department, Government of Bihar, Patna.
3. The Commissioner Bhagalpur Division, Bhagalpur cum Chairman Bhagalpur Smart City Ltd.
4. The District Magistrate, Bhagalpur.
5. The Superintendent of Police, Bhagalpur.
6. The Commissioner Bhagalpur Municipal Corporation cum Administrator Bhagalpur Smart City Limited.
7. The Chief Executive Officer Bhagalpur Smart City Limited.
8. The Senior Deputy Collector cum Public Information Officer Bhagalpur Collectorate, General Branch, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Yadav, Advocate
For the Respondent/s	:	Mr. Manish Kumar, Advocate
		Mr. Y.P. Sinha, AAG-7
		Mr. Shankar Kumar, Advocate

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

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 28-06-2021

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s).



“(i) That this is an application for issuance of an appropriate writ/order/direction to restrain the respondents from nay activities by which the land of Bhagalpur Football and Athletic Association a part area of Sandy’s compound, Bhagalpur may not be converted and used for the purpose of construction of Stadium of Cricket in the name of Development of Smart City Project, Bhagalpur.

(ii) For issuance of an appropriate writ/order/direction declaring that any action of the Respondents to change the nature of the land which has been in possession of Bhagalpur Football and Athletics Association since 1911 is illegal and against the purpose of the Association creating the rights in favour of cricket Stadium in illegal manner.

(iii) For issuance of an appropriate writ/order/direction that if the land of the Bhagalpur Football and Athletics Association is allowed to construct the cricket stadium football and Athletic Association will be frustrated.

(iv) For issuance of appropriate writ/order/direction granting any other relief or reliefs for which the petitioner is found entitled.

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)

veena/rajiv-

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

