

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1509 of 2021

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Kumar Sanan Son of Sadanand Yadav, Resident of Village-Danda Bazar,
Police Station-Goradih, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The District Panchayatiraj Officer, Bhagalpur.
5. The Block Development Officer, Goradih, Bhagalpur.

... .. Respondent/s

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

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Jha, Adv. Mr. Satya Prakash, Adv.
For the Respondent/s	:	Mr Ajay (GA-5)

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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.

Petitioner has prayed for the following relief(s):-

- i) For issuance of a writ in the nature of mandamus or any other appropriate writ for commanding the respondents to construct Gram Panchayat Bhawan of Sarath Daharpur Gram Panchayat on Gair Mazarua Land situated at Mauza-Rampur, Thana No. 226, Khata No.

64, Khesra No. 138, Area-0.57 Dismal as the said spot has been duly selected and thereafter the Block Development Officer, Goradih, Bhagalpur vide letter no. 855 dated 20.10.2011 has send his proposal/recommendation before the District Panchayati Raj Officer, Bhagalpur for construction of Panchayat Bhawan on the aforesaid plot.

ii) For issuance of a writ in the nature of mandamus or any other appropriate writ for restraining the respondent authorities from constructing Panchayat Bhawan of Sarath- Daharpur Gram Panchayat in the Village Sarath as the sport selection for Panchayat Bhawan has been done at behest of the present Mukhiya without calling Aam Sabha in as much as the norms for sport selection has not been followed.

iii) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

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)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29/6/21
Transmission Date	NA