

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1653 of 2021

=====

Pramod Chauhan Son of Sri Suresh Chauhan, Resident of Village - Bhimpur
(Akabarpur), P.S. - Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj, Bihar, Patna.
4. The District Magistrate, Nalanda at Bihar Sharif.
5. The Superintendent of Police, Nalanda at Bihar Sharif.
6. The District Panchayati Raj Officer, Nalanda at Bihar Sharif.
7. The Sub-Divisional Officer, Hilsa, District - Nalanda.
8. The Block Development Officer, Hilsa, District Nalanda.
9. The Circle Officer, Hilsa, District - Nalanda.
10. The Station House Officer, Police Station, Hilsa, District Nalanda.
11. The Mukhiya, Gram Panchayat Akabarpur, P.S. - Hilsa, District - Nalanda.
12. The Panchayat Secretary, Gram Panchayat Akabarpur, P.S. - Hilsa, District - Nalanda.

... .. Respondent/s

=====

(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. Bhola Kumar, Adv
For the Respondent/s : Mr. Ajay (GA-5)

=====

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):-

“(A) For issuance of a writ in the

nature of mandamus commanding the respondents authorities to not construct the panchayat Sarkar Bhawan of Akabarpur Panchayat under Hilsa Block in the District of Nalanda in Plot No. 655, Khata No. 528, Thana No. 184, Mauza-Akabarpur, P.S. Hilsa, Distt.- Nalanda. Because sufficient land for construction of panchayat Sarkar Bhawan is not available in the aforesaid plot in terms of Annexure-'2'.

(B) For further directing the respondents authorities to enforce the decision of Government of Bihar vide letter no. 6601 dated 04.12.2018 contained in Annexure-'2' and construct the aforesaid Panchayat Sarkar Bhawan in any other plot in which sufficient land minimum 50 decimals would be available in terms of Annexure-'2'.

(C) To restrain the construction of the aforesaid panchayat Bhawan during the pendency of the instant writ application.

(D) For passing any other order/s Command/s, direction/s, appropriate writ/s, which your Lordships may

deem fit and proper in the facts and circumstances of the instance case in the general interest of the public of Akabarpur Panchayat in the district of Nalanda.”

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