

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.125 of 2021

Jay Mangal Ray, Son of Sadhu Ray, Resident of Village - Basmanpur, Police Station- Motihari, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, East Champaran (Motihari).
3. The Circle Officer, Motihari, District - East Champaran.
4. The Station House Officer, Motihari.
5. Narayan Shahni, Son of Timan Sahni, resident of Village - Basmanpur Tole, Bhawanipur Mohalla, Police Station - Motihari, District - East Champaran (Motihari).
6. Jatan Sahni, Son of Timan Sahni, resident of Village - Basmanpur Tole, Bhawanipur Mohalla, Police Station - Motihari, District - East Champaran (Motihari).
7. Munna Sahni, Son of Timan Sahni, resident of Village - Basmanpur Tole, Bhawanipur Mohalla, Police Station - Motihari, District - East Champaran (Motihari).
8. Ramdev Sahni, Son of Jokhan Sahni, resident of Village - Basmanpur Tole, Bhawanipur Mohalla, Police Station - Motihari, District - East Champaran (Motihari).
9. Parmeshwar Sahni, Son of Jokhan Sahni, resident of Village - Basmanpur Tole, Bhawanipur Mohalla, Police Station - Motihari, District - East Champaran (Motihari).
10. Basdev Sahni, Son of Jokhan Sahni, resident of Village - Basmanpur Tole, Bhawanipur Mohalla, Police Station - Motihari, District - East Champaran (Motihari).
11. Nand Kishor Sahni, Son of Ram Khelawan Sahni, resident of Village - Basmanpur Tole, Bhawanipur Mohalla, Police Station - Motihari, District - East Champaran (Motihari).
12. Gyan Chand Sahni, Son of Late Ram Chandra Sahni, resident of Village - Basmanpur Tole, Bhawanipur Mohalla, Police Station - Motihari, District - East Champaran (Motihari).
13. Jhorai Mahto, Son of Late Bidyanath Mahto, resident of Village - Basmanpur Tole, Bhawanipur Mohalla, Police Station - Motihari, District - East Champaran (Motihari).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25



(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 : 22-06-2021

Heard the Parties.

Petitioner has prayed for following relief(s):-

“This writ application is being filed in form of Public Interest Litigation for issuance of writ in the nature mandamus or any appropriate writ(s), order(s), direction(s) to the respondents to remove the encroachment over public road and flank situated in Village - Basmanpur from Dumariya Chowk to South Kasba tol appertaining to Khata No. 423, Kheshra No. 2981, Thana No. 204, Tauzi No. 951 in Village - Basmanpur Police Station, Motihari, District - East Champaran (Motihari), which has been encroached by private respondent nos. 5 to 13, by making house, hut etc. cause obstruction in free flow of public over the same. And any appropriate writ(s), order(s), direction(s) to the respondents for which petitioner is entitled under the fact 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)

Rajiv/veena-

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

