

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9 of 2021

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JAIPAL NARAYAN S/o Jawala Prasad R/o Ward No. 14, Nasriganj, P.S.- Nasriganj, Rohtas, Bihar-821310 presently working and residing at M/s Ramchandaram Ramcharitra Sah Oil and Rice Mills Pvt. Ltd., Chotki Delhi, Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary.
2. The Principal Secretary, Department of Home, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Road Construction Department, Government of Bihar, Old Secretariat, Patna.
4. The Director General of Police, Bihar, Patna.
5. The District Magistrate, Gaya.
6. The Superintendent of Police, Gaya.
7. The Sub Divisional Officer, Gaya.
8. The Circle Officer, Gaya.
9. Gaya Municipal Corporation through its Municipal Commissioner, Durga Bari, Gaya.
10. Tribhuwan Prasad S/o Late Dukhan Saw R/o Mohalla- Chotki Dhela, ward no. 3, P.S.- Gaya, District- Gaya.
11. Anil Kumar S/o Late Dukhan Saw R/o Mohalla- Chotki Dhela, ward no. 3, P.S.- Gaya, District- Gaya.
12. Sunita Devi W/o Tribhuwan Prasad R/o Mohalla- Chotki Dhela, ward no. 3, P.S.- Gaya, District- Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aryan Sinha, Advocate
For the Respondent/s : Mr. Amit Prakash, G.A. 13

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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.)

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):-

“The instant writ application is being preferred in the Public Interest with a prayer for issuance of writ in nature of Mandamus for commanding and directing the Respondent authorities.

(a) To take an immediate and appropriate action to remove the illegal encroachment done by the Respondent No. 10 to 12 on the public road pertaining to Khata No. 1294, Plot No. -2069 situated at Ward No. 3, Chotaki Dhela, Gaya, Bihar.

(b) To other any reliefs which may be granted 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 Circle Officer, Gaya 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 Circle Officer, Gaya 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

