

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.72 of 2021

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Mahendra Singh, S/o Late Sarju Singh, Resident of Village- Kumar, P.S.-
Sikandara, Dist-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Addl. Chief Secretary.
3. The Dist Magistrate, Jamui.
4. The Circle Officer, Sikandra.
5. The Block Development Officer, Sikandra.
6. The Programme Officer, Sikandra.
7. Bhaso Singh, S/o Late Jagdish Singh, Resident of Village-Kumar, P.S.-
Sikandara, Dist.-Jamui.
8. Ramashish Singh, S/o Late Chotu Singh, Resident of Village-Kumar, P.S.-
Sikandara, Dist.-Jamui.
9. Sachida Nand Singh, S/o Late Jamuna Singh, Resident of Village-Kumar,
P.S.-Sikandara, Dist.-Jamui.
10. Suresh Singh, S/o Bindeshwar Singh, Resident of Village-Kumar, P.S.-
Sikandara, Dist.-Jamui.
11. Bashuki Singh, S/o Late Biso Singh, Resident of Village-Kumar, P.S.-
Sikandara, Dist.-Jamui.
12. Arvind Kumar S/o Shiv Narayan Singh, Resident of Village-Kumar, P.S.-
Sikandara, Dist.-Jamui.
13. Sanjay Singh, S/o Late Jamuna Singh, Resident of Village-Kumar, P.S.-
Sikandara, Dist.-Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, S.C. 25

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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 : 28-06-2021

Heard learned counsel for the parties.



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

“That this application is being filed by way of PIL for issuance of writ in nature of Mandamus directing to the respondent concern to removal the encroachment of gair Mazarua Aam land bearing Khata No. 393 Kheshara No. 670 an area of 34 decimal encroachment by respondent no. 8, Kheshara no. 1333 an area of 13 decimal encroached by respondent nos. 9.10.11 and 12, Kheshara no. 1240, an area of 64 decimal encroached by respondent no. 13 and Kheshara no. 2970, 2971, 1099, 1115, 1116, 2915, 2512, 1446, 1822, 1242 and 2983 total an area 5.84 acre is also encroached by the some villagers, through a pyne is crossing over the entire Kheshara, which is now deed due to encroachment an well as filled up by soil by the Panchayat.”

Also for issuance of writ in nature of any other appropriate writ/writs, order/orders, direction/directions, command/commands for which the petitioners is being legally entitled.

During pendency of this writ petition, the soil works which is going to be done by Panchayat where by “Pyne” is being filled up, may kindly be stayed.”

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, Sikandra 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, Sikandra 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 Circle Officer, Sikandra within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The Circle Officer, Sikandra 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

