

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.598 of 2021

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Pappu Kumar, Son of Sri Arbind Prasad, Resident of Village-Jasmat Bigha (Yashwantpur), P.O.-Rukhai, P.S.-Chandi, Subdivision-Hilsa, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
3. Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
4. Principal Secretary, Water Resources (Irrigation) Department, Govt. of Bihar, Patna.
5. District Magistrate, Nalanda at Bihar Sharif.
6. Additional Collector, Nalanda at Bihar Sharif.
7. Sub-divisional Officer, Hilsa, District -Nalanda.
8. Circle Officer, Chandi Block, District -Nalanda.
9. Block Development Officer, Chandi Block, District -Nalanda.
10. Superintendent of Police, Nalanda at Bihar Sharif.
11. Station House Officer, Chandi Police Station, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ritesh Kumar, 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 writ application in form of P.I.L. is being filed for respondents being commanded/directed to remove illegal and unauthorized possession and occupation over



Plot no. 1136, Area 95 Decimal Gairmazarua Aam Pyne under Khata no. 581 as well as plot no. 1135, Khata no. 581, Area 2.43 Acre, Gairmazarua Aam Alang situated in Village- Jasmat Bigha (Yashwantpur), Mauza- Rukhai, Than no. 199, Sub-division- Hilsa, P.S. Chandi, Distict- Nalanda within the time frame fix by this Hon'ble Court the respondents be further directed not to allow recurrence of such illegal possession and by an ad-interim order to clear the water passage and human path/passage during the pendency of this writ application and for grant of such other relief or relief's as may be deemed fit and proper."

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)

veena/rajiv-

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

