

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.932 of 2021

1. Ramanandan Sharma Son of Late Vindeshwari Sharma Resident of Village and Post- Got Bardaha, P.S.- Ghailarh, District- Madhepura.
2. Rambhagwan Yadav Son of Damodar Prasad Yadav Resident of Village and Post- Got Bardaha, P.S.- Ghailarh, District- Madhepura.
3. Sunil Yadav Son of Late Ramji Yadav Resident of Village and Post- Got Bardaha, P.S.- Ghailarh, District- Madhepura.

... .. Petitioners

Versus

1. The State of Bihar through Commissioner Koshi Division, Saharsa.
2. The Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, Madhepura.
4. The Sub-Divisional Officer, Madhepura.
5. Circle Officer, Ghailarh, Madhepura.
6. The Superintendent of Police, Madhepura.
7. Officer-in-Charge, P.S.- Ghailarh, District- Madhepura.

... .. 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. Kumar Vikram, Adv. Mr. Apurva Kumar, Adv.
For the Respondent/s	:	Mr. Khurshid Alam (AAG-12)

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.

Petitioners have prayed for following relief(s):-

“a. For issuance of an appropriate
writ restraining the respondents
not to encroach upon the

Gairmajrua Aam Land bearing Ola Khata no. 196, Kheshra no. 233, New Khata no. 800, new Kheshra no. 436, having an area of 21 decimals by erecting boundary wall on it after showing it a land of Kabrishtan.

b. for directing the respondent authorities specially respondent no.-5, i.e. Circle Officer, Ghailarh, Madhepura to demarcate the land of Gairmajura Aam Land and further to ensure that the same may not be encroached upon by the private respondents.

c. for issuance of an appropriate writ commanding the respondent authorities to restrain the private respondents from erecting a boundary wall on Gairmajrua Aam Land bearing Old Khata no. 196, Khesra no. 322, New Khata no. 800, Kheshra no. 436, having an area of 21 decimals in the name of surrounding 'Kabristan' land.

d. for issuance of an appropriate writ for commanding the respondent's to act in accordance with law, that includes verifying

of the Original land records of Kabrishtan as well as it's adjacent land of 21 Decimals of Gairmajrua Aam Land which falls adjacent to the Kabrishtan. Further, in case if they found that grievances of the petitioners are true/ genuine redress it within a reasonable time frame.

e. for any other relief/reliefs for which petitioners are entitled during the course of arguments under law as well as facts.”

After the matter was heard for some time, learned counsel for the petitioners, under instructions, states that petitioners shall be content if a direction is issued to the District Magistrate, Madhepura to consider and decide the representation which the petitioners 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 petitioners, the District Magistrate, Madhepura 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) Petitioners 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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioners take 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 petitioners 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	25.6.2021
Transmission Date	NA