

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2024 of 2021

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Sanjay Singh, Advocate Son of Sri Bidya Nath Singh Resident of Bara Phatak Road, Near Budh Murti, Lohanipur West, Police Station Kadamkuan, District-Patna- 800003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate/Collector, Patna.
4. The Deputy Development Commissioner, Patna.
5. The Sub Divisional Officer, Patna Sadar, Patna.
6. The Circle Officer, Sampatchak, District Patna.
7. The Secretary, Bihar School Examination Board, Bihar, Patna.
8. The District Education Officer, Patna.
9. Madan Bihari Singh Son of Late Lalji Singh Resident of Village Taranpur, Police Station Gaurichak, District- Patna.
10. Subhash Chandra Sinha son of Madan Bihari Singh Resident of Village-Taranpur, Police Station- Gaurichak, District- Patna.

... .. Respondent/s

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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.)

Appearance :

For the Petitioner/s : Mr. Prafull Vhandra Thakur, Adv.
For the Respondent/s : Mr. Harish Kumar (GP-8)

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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):-

- i. to forthwith remove the encroachment and construction made

by Respondent No. 9 and 10 on Gair Mazarua Kabristan and Mazar land of Kabristan and Jeyarat Makhdum Saheb description whereof is Thana No. 80, Tauzi No. 3047, Khata No. 164 and Plot Nos. 860 and 861 having an area of 9A 49 Dec and 03 Dec. respectively situated in village Kura, within Sampatchak Circle of Patna District.

ii. to declare that whatever orders may have been obtained by Respondent No. 9 and 10 in connivance with administrative authorities are void-ab-initio and should not be given effect too.

iii. To direct the respondents authorities to construct fill boundary wall over the aforesaid land.

iv. to direct the respondents that in future too there shall not be encroachment over the said 9A 49 Dec and 03 Dec respectively land Thana No. 80, Tauzi No. 3047, khata No. 164 and Plot Nos. 860 and 861.

v. to lodge FIR against guilty persons who tried to create false paper/documents with respect to Gair Mazarua Kabristan land.

vi. any other relief or reliefs to which

the petitioner is found entitled 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, Sampatchak, Patna 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, Sampatchak, Patna 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)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29-6-21
Transmission Date	NA