

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2473 of 2021

1. Awadh Nandan Sharma son of Sri Nand Kumar Singh,
2. Kailash Rajak son of Late Ganauri Rajak
3. Dinesh Kumar Sharan son of Late Shyam Kishore Sharan
4. Yugal Kishore Singh son of Late Sant Sharan Prasad Singh
5. Rajesh Kumar son of Vishwanath Prasad
All resident of Mohalla- Kumharar, behind Panchshil High School, P.O.
Bahadurpur Housing Colony, P.S. Agam Kuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Deputy Secretary, Education Department, Government of Bihar, Patna.
4. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
5. The Bihar School Examination Board, Bihar, Patna through the Secretary.
6. The Chairman, Bihar School Examination Board, Bihar, Patna.
7. The Secretary, Bihar School Examination Board, Bihar, Patna.
8. The Divisional Commissioner, Patna Division, Patna.
9. The District Magistrate, Patna, District- Patna.
10. The Sub- Divisional Officer, Patna City, District- Patna.
11. The Superintending Engineer, Building Circle, Patna.
12. The Executive Engineer, Patna City Building Division, Gulzarbag, Patna.
13. The Assistant Engineer, Building Sub- Division, Gulzarbag, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Advocate
For the Respondent/s : Ms. Shilpa Singh (GA-12)

(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 : 29-06-2021



Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s).

“(I) For issuance of an appropriate writ in the nature of mandamus commanding and directing the Respondent Authorities to restrain the Respondents to construction the boundary wall grilgate over the land measuring an area about 600 ft. in length North to South and about 20 ft. in width East to West appertaining to C.S. Plot. No. 2210, 2212, 2213, 2214 and 2215, Khata No. 848, Tauzi No. 11, Than No. 11 situated at Panchsheel Nagar, P.S. Agam Kuan, District- Patna on the ground that the said land was is being used by the residents of Mohalla- Panchsheel Nagar Kumharar and other public at large for the purposes of road since immemorial as also upon which there is pucca road, electric poles, water pipe which has been construct/installed from the public M.A.L. fund.
(ii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioners, 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)

Rajiv/veena-

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

