

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2343 of 2021

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CHANDRA KISHOR PARASHAR @ ACHARYA CHANDRA KISHORE
PARASHAR Son of Late Ram Bahadur Parashar, resident of village-
Dharbhara, P.s.- Bochahan, District- Muzaffarpur, presently residing at
Senapati Bhawan, Parashar Colony, New Area, Sikandarpur, P.s.- Muzaffarpur
Town, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, Muzaffarpur, District- Muzaffarpur
5. The Senior Superintendent of Police, Muzaffarpur, District- Muzaffarpur
6. The Sub Divisional Officer, East Muzaffarpur, District- Muzaffarpur
7. The Station Head Officer, Town Police station, Muzaffarpur
8. The Muzaffarpur Municipal Corporation, Muzaffarpur through the
Municipal Commissioner,
9. The Municipal Commissioner, The Muzaffarpur Municipal Corporation,
Muzaffarpur
10. Shree Navyugak Samiti Trust, Chhoti Saraiyaganj, P.o.- Muzaffarpur, P.s.-
Muzaffarpur Town, District- Muzaffarpur through its Chairman namely Dr.
Ramesh Kumar Kejariwal

... .. 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. Vijay Kumar Singh, Adv.
For the Respondent/s : Mr. Yogendra Prasad Sinha (AAG-7)

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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) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to remove the encroachment over the public road as also to restrain the office bearers of Shree Navyugak Samiti Trust for illegal construction of pavilion of a memorial and installation of Statue in the midst of the public road situated in Chhoti Saraiyganj at Tinmuhani under the municipal area of Muzaffarpur Municipal Corporation on the ground that the said illegal construction causes great difficulties in transportation of the public at large since its construction causes narrow of the Tirmuhani.

(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 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)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30-6-2021
Transmission Date	NAFR