

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3947 of 2021

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Horil Paswan son of Yadu Nandan Paswan Village and Post- Singhara, Circle-
Dulhin Bazar, P.S.- Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Reforms Department, Govt. of Bihar, New Secretariat, Baily Road, Patna- 800015.
2. The District Magistrate, District Collector at Office, District- Patna- 800003.
3. The Sub- Divisional Officer, Sub- Division- Paliganj, District- Patna.
4. The Deputy Collector of Land Reforms (D.C.L.R.), Sub- Division- Paliganj, District- Patna.
5. The Block Development Officer, Block- Dulhin Bazar, District- Patna.
6. The Circle Officer, Circle- Dulhin Bazar, District- Patna.
7. Jahid Hussain Son of Late Mohamad Hussain resident of Village and Post- Singhara, Circle- Dulhin Bazar, P.S.- Dulhin Bazar, District- Patna.
8. Mithu Miya Son of Late Mohamad Hussain resident of Village and Post- Singhara, Circle- Dulhin Bazar, P.S.- Dulhin Bazar, District- Patna.
9. Sithu Miya Son of Late Mohamad Hussain resident of Village and Post- Singhara, Circle- Dulhin Bazar, P.S.- Dulhin Bazar, District- Patna.
10. Munna Miya Son of Late Mohamad Hussain resident of Village and Post- Singhara, Circle- Dulhin Bazar, P.S.- Dulhin Bazar, District- Patna.

... .. 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. Jay Ram Sharma, Adv.
For the Respondent/s : Mr. Sajid Salim Khan (SC-25)

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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.

Petitioner has prayed for the following relief(s):-

“i. For issuance of directing the respondents

to remove the illegal encroachment, any structure, fill-up, digging etc made so far and restore the public land in question which is in nature of land as Aam Gairmazarua and Bakast Malik land erected by the Private respondent no.-7 to 10 and others over the public land bearing Thana no.-235, (1) khata no.- 248, plot no.- 1822 Area-2 Acres 64 Decimal (2) khata no. 257, plot no. 1823, Area-28 Decimal, Total Area-2 Acres 92 Decimal, situated at Mauza-Singhara, village+post-Singhara, Circle+Block+police station Dulhin Bazar, Sub-division Paliganj, Distt. Patna.

ii. For further directing that any construction over the land in question will permanently destroy for the public which had been using for last 100 years to store the natural water in pond and will be violative of public trust doctrine, precautionary principal which are part of Article 21 of the constitution.

iii. To grant any other relief/reliefs for which the petitioner is legally entitled.”

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, Dulhin Bazar, 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, Dulhin Bazar, 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	30-6-2021
Transmission Date	NA