

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9214 of 2022

1. Tabrej Alam Son of Late Samim Ahmad Resident of Mohalla- Near Tridev Vastralaya, Bisati Patti, P.O. and P.S.- Motihari Town, District- East Champaran.
2. Mahabir Prasad Son of Vasdev Prasad Resident of Mohalla- Thakurbari Road, Baniyapati, P.O. and P.S.- Motihari, District- East Champaran.
3. Abhay Kumar Gupta Son of Yamuna Prasad Gupta Resident of Mohalla- Thakurbari Rani Sati Mandir, Kenikat, Thakurbari, P.O. and P.S.- Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue Department, Bihar, Patna.
2. The District Magistrate Motihari, East Champaran.
3. The Additional District Magistrate Revenue, through District Board, Motihari, East Champaran.
4. The S.D.M. Sadar Motihari, East Champaran.
5. The Secretary Navyuwak Library, Main Road, Mina Bazar, Motihari Town, East Champaran.

... .. Respondent/s

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s	:	Mr.Pravin Kumar, Adv
For the Respondent/s	:	Mr.Raj Kishore Roy (GP18)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 29-07-2022

Heard learned counsel for the parties.

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

“That this is an application for issuance of an appropriate writ/writ, order/orders, direction/directions in the nature of mandamus for commanding and directing to the

respondents authorities to withdraw/cancel the memo no. 73 dated 08.01.1991 because of after allotment of 80 sq.ft. Land, the petitioner mixing/this land in old shop and the said shop running smoothly.”

After the matter was heard for some time, learned counsel for the petitioners, under instruction, states that petitioners shall be content if a direction is issued to the **respondent no. 2 namely District magistrate, Motihari, East Champaran**, to consider and decide the representation which the petitioners have filed on 19.05.2022 (Annexure-4).

As such, petition stands disposed of on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today;

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of appearance of petitioners with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioners;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant

materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) 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;

(h) Liberty reserved to the petitioners to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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