

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15722 of 2019

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Md. Shami Ahmad Son of Late Mansoor Ahmad, Resident of Mohalla- Kazi,
P.S.- Bihar, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The District Magistrate- Cum- Collector, Nalanda.
3. The Superintendent of Police, Nalanda District Nalanda.
4. The Motboli Sogra Wakf Estate Sogra, Mohalla Laheri, P.S.- Laheri,
District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate Mr. Niranjan Kumar, Advocate
For the Respondent/s	:	Mr. P.K.Verma, AAG-3 Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-12-2022

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

“That this application is being filed on behalf of the petitioner above named for issuance of an appropriate writ/ writs, order/ orders, direction/ directions in the nature of Mandamus Commanding and directing the respondent authority particularly to respondent District Magistrate to insure the peaceful possession of petitioner over Shop No. 18 situated in Aziziya Super Market P.S. Laheri District Nalanda which is being disturbed by respondent Sagra State though the said shop was being allotted in the name of father of petitioner and which is only livelihood of



petitioner.

Further or issuance of any other writ/ writs, order/ orders, direction/ directions for which 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 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 i.e. Respondent No. 3, namely, The Superintendent of Police, Nalanda, District- Nalanda, 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 arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. All issues are left open;

(h) We expect that the appropriate authority shall consider and decide the petitioner's application/request



expeditiously and preferably within a period of three months from the date of its presentation.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

avinash/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	08.12.2022
Transmission Date	

