

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21192 of 2021

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Hareram Pandit Son of Bhoji Pandit, Village-Paudi Benipur Nagar Parishad,
Ward No. 13, Anchal-Benipur, P.S.-Bahera, District-Darbhangha. Petitioner/s
Versus

1. The State of Bihar through District Magistrate, Darbhanga.
2. Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. Commissioner, Darbhanga Division, Darbhanga.
4. Subdivisional Officer, Benipur, Darbhanga.
5. Executive Officer, Nagar Parishad, Benipur, Darbhanga.
6. Anchal Adhikari, Benipur, Darbhanga.
7. Channilal Pandit, S/o Late Ramlakhan Pandit, Resident of Village-Pauri Nagar Parishad, Benipur, Ward No. 13, P.S. Bahera, District-Darbhangha.
8. Mannilal Pandit, S/o Late Ramlakhan Pandit, Resident of Village-Pauri Nagar Parishad, Benipur, Ward No. 13, P.S. Bahera, District-Darbhangha.
9. Rambahadur Pandit, S/o Late Ramlakhan Pandit, Resident of Village-Pauri Nagar Parishad, Benipur, Ward No. 13, P.S. Bahera, District-Darbhangha.
10. Bindeshwar Pandit, S/o Late Jailal Pandit, Resident of Village-Pauri Nagar Parishad, Benipur, Ward No. 13, P.S. Bahera, District-Darbhangha.
11. Dinanath Jha, S/o Late Srikant Jha, Resident of Village-Pauri Nagar Parishad, Benipur, Ward No. 13, P.S. Bahera, District-Darbhangha.
12. Ramyogi Sharma, S/o Late Nunu Sharma, Resident of Village-Pauri Nagar Parishad, Benipur, Ward No. 13, P.S. Bahera, District-Darbhangha.
13. Naresh Sharma, S/o Late Nunu Sharma, Resident of Village-Pauri Nagar Parishad, Benipur, Ward No. 13, P.S. Bahera, District-Darbhangha.
14. Anil Kumar Jha, S/o Late Ramvilash Jha, Resident of Village-Pauri Nagar Parishad, Benipur, Ward No. 13, P.S. Bahera, District-Darbhangha.
15. Sunil Kumar Jha, S/o Late Ramvilash Jha, Resident of Village-Pauri Nagar Parishad, Benipur, Ward No. 13, P.S. Bahera, District-Darbhangha.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Indradeo Prasad, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 11-01-2022

Heard learned counsel for the parties.

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

- I. अतिक्रमण वाद संख्या - 30/2020-21 का विधिवत निष्पादन निर्धारित समय सीमा में करने का आदेश अंचल अधिकारी, बेनीपुर, दरभंगा को दिया जाय, जो आवेदक के परिवाद पर, ग्राम - पौड़ी

बेनीपुर नगर परिषद, वार्ड नं० - 13, अंचल बेनीपुर, थाना - बहेरा का सार्वजनिक रास्ता जो मन्दुन उर्फ शम्भू झा के दुकान से लेकर स्व० त्रिवेणी झा के घर तक जाती है और जिसका खाता नं० - पुराना - 487, नया - 1850 एवं खेसरा संख्या - पुराना - 258 एवं नया - 3089 है, को अतिक्रमण मुक्त करने हेतु संस्थित हुआ है।

- II. कोई अन्य आदेश / निदेश / रिट जो जनहित / न्यायहित / विधिहित / राष्ट्रहित के लिये लाभदायक हो, उसे पारित किया जाय।

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 i.e. **(Respondent No.6, Anchal Adhikari, Benipur, Darbhanga)** 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 four 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 four 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. 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)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	