

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.477 of 2022

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Bimlesh Kumar Dubey, Son of Krishna Dubey, Resident of Village- Chourai,
P.S.- Udwant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary, Bihar, Patna.
2. The District Magistrate Bhojpur at Ara.
3. The Sub- Divisional Officer Ara at Bhojpur.
4. The Circle Officer Udwantnagar, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ravi Shankar Pathak, Advocate
For the Respondent/s	:	Mr.Lalit Kishore (AG)

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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 : 13-01-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

“ (1) For issuance of a writ or order of direction upon the respondents specially the respondent no.2 to ensure the removal of encroachment from the Public well situated in Muaja Chourai Thana no. 230 Khata NO. 629 Plot no. 1256 area – 0.04 Deciml and also make the pucca platform near the well which is the place of devotion of all the villagers of Village Chourai P.S. Udwantnagar District- Bhojpur.

(II) For issuance of necessary writ or order or direction upon the respondent o carry out the work

for removal of encroachment and making of platform near well to aforesaid location with a time frame as may be fixed by this Hon'ble Court as it is the larger public interest which is at stake due to same removal of encroachment.

(III) For grant of any other relief or reliefs which may be deemed necessary and fitness to facts and circumstances of this case by this Hon'ble High Court.”

After the matter was heard for some time, learned counsel for the petitioners, under instructions, states that petitioners shall be content if a direction is issued to the authority concerned, i.e., respondent **no.4, The Circle Officer Udwantnagar, Bhojpur** or any of the statutory authority to consider and decide the representation which the petitioners 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 petitioners, 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) Petitioners 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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioners to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) Liberty also reserved to the petitioners to make a mention for listing of the petition on priority basis. As and

when any such mention is made, Registry shall take steps for listing the petition at the earliest.

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

(i) 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	