

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.321 of 2022

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Virendra Kumar Yadav, S/o Mahaveer Rai R/o Village- Bada Telpa, P.S.-
Nagar, Distt.- Saran (Bihar) Pin Code- 841301.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Chief Secretary, Public Grievance Cell,
Government of Bihar, Patna.
2. The Commissioner Saran, Chapra.
3. The District Magistrate Saran, Chapra, Bihar.
4. The Superintendent of Police Saran, Chapra.
5. The District Mining Officer Chapra, Saran.
6. The Sub Divisional Officer Sadar, Chapra.
7. The Circle Officer Sadar Chapra, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate
For the Respondent/s : Mr.Amit Prakash (G.A.13)

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

(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.

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

“i. For a direction upon the respondent
authorities to make a proper enquiry with regard

to the encroachment of both side of the road and upon canal by anti-social elements, from Telpa stand to Telpa Chowk, Saran which is for the public to use and hence its required removal of the encroachment which causing unnecessary public disturbance and affecting the Public life.

ii. For a direction upon the respondent authority to restrain the illegal mining of the sand by the Muscle man and anti-social elements which they keep the sand on the road and the vehicle used for transportation caused disturbance to the local people.

Iii. For that after considering the above prayer a directions given upon the respondent state authority, to ensure the removal of encroachment and maintain the public tranquility and also restrain the muscle man and anti social elements for illegal extraction of sane from river and further to collect both side of road for their personal benefits.

iv. For that a direction given to the respondent authority to ensure a hassle free using of public land/road by the local inhabitants and respective citizen of India.

v. For that a direction given upon the respondent authority to look into the respective representation which has been given by the villagers as well as by the petitioner too and on and due to their ignorance the present writ application has been filed for the above-

mentioned relief/reliefs.

vi. For any other relief/reliefs for which the petitioner is entitled in 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 i.e. **(Respondent No. 7, the Circle Officer Sadar Chapra, Saran)** or any of the statutory authority 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	