

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.269 of 2022

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Satya Narayan Pandey Resident of Village- Babubarhi, P.S. Babubarhi,
District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Darbhanga Division.
3. The District Magistrate, Madhubani.
4. The Superintendent of Police, Madhubani.
5. The Sub-Divisional Officer, Madhubani.
6. The Anchal Adhikari, Babubarhi, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary
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 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 to the respondents to take stern
action for removal of encroachment from both the
sides of road, made by the local residents of
Babubarhi town, in between the Main Market or
Babubarhi village, causing much disturbance to the
public in general, due to vehicular jam for hours and
hour.

(ii) For a further direction to the respondents to take

immediate action to stop the movement of heavy vehicles on this road during busy hours as the same is causing much annoyance to the passerby as well as the public at large, specially threat on the life of persons, having their residence by the side of road.

(iii) For a further direction to the respondents to remove the garbage lying across the road and to get the water drainage system clean as due to dumping of garbage and logging of knee deep water, it has become the most dirtiest road in the district of Madhubani.

(iv) For a direction to the respondents to check the movement of heavy vehicles, since the accident has become a regular feature in the concerned area, due to excess load of traffic.

(v) For a further direction to the respondent to take the measurement of the aforesaid road/land passing through the main market to Babubarhi village through the Anchal Amin and after getting it demarcated, the portion of encroachment made by the respective person may be removed with the help of local administration.

(Vi) For any other relief or reliefs, the petitioner is entitled for.”

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, respondent no.6, the Anchal Adhikari,

Babubarhi, District- Madhubani 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) Liberty also reserved to the petitioner 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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.01.2022
Transmission Date	NA