

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18039 of 2017

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Md. Akbar Ali, Son of Md. Afsar Ali, Resident of Line Mohalla, Rehman Medical Hall Subhash Palli, Post Office- Kishanganj Town, Police Station- Kishanganj Town, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Chief Secretary, Government of Bihar
2. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Inspector General of Police, C.I.D., Bihar at Patna.
5. The Inspector General, Economic Offences, Unit Government of Bihar, Patna.
6. The Divisional Commissioner, Purnea.
7. The District Magistrate cum Collector, Kishanganj.
8. Md. Safiq (Bihar Administrative Service), Serial No.1217 of 2011, Son of not known to the petitioner, Presently working as Sub-Divisional Officer Kishanganj, District- Kishanganj.
9. The Deputy Collector, Land Reforms, Kishanganj.
10. Sri Manish Kumar, the then D.C.L.R. Kishanganj, District- Kishanganj.
11. The Circle Officer, Kishanganj, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rabindra Kumar Priyadarshi, Advocate
For the EOU	:	Mr. V. N. P. Sinha, Sr. Advocates
		Mr. Vijay Anand, Advocate
For the Respondent/s	:	Mr. Bishwa Bibhuti Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 30-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

I) For issuance of appropriate writ/writs order/orders

directing the respondent authorities to stop the illegal government / public land grabbing on and along river Ramzan in Kishanganj Town which was / is being done in-collusion of government officials including Md. Safiq (respondent no.8).

ii) For issuance of further direction to immediate stop of illegal construction in and around the bed of river Ramzan which is causing severe environmental problem and pollution in the Town of Kishanganj.

iii) For issuance of direction to hold an independent enquiry, the nexus, between Md. Safiq (Respondent No.8) and the District Magistrate, Kishanganj as the District Magistrate in spite of clear and specific directions from General Administrative Department vide memo No.1394 dated 06.02.2017 Form 'K' has not been issued against the respondent No.8 for initiation of Departmental proceeding.

iv) For direction to hold an independent impartial investigation/ enquiry on the point of nexus between land grabbers with Md. Safiq (respondent No.8) due to which respondent No.8 has acquired huge property causing severe Revenue loss on the exchequer of Government Treasury and the loss caused may be recover from the erring officials who have been found guilty in course of enquiry by a team of government

officials.

(v) For direction to initiate a criminal proceeding for the lapses to keep the file of Biahr Land Dispute Redressal Case No.150 of 2011-12 (Circle Officer, Kishanganj Vs. Sitaram Sharma) for more than three months with a view to debar the Circle Officer (State) to move Superior Court against the order passed by the Respondent No.8 as a D.C.L.R.

(vi) For grant of other relief/reliefs for which the petitioner is found to be entitled from 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 respondent **no.7, The District Magistrate-cum-Collector, Kishanganj** to consider and decide the representation, filed by the petitioner 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 on the following terms:-

(a) Petitioner shall approach the authority concerned and file a detailed representation for redressal of his grievances;

(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) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) 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;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

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

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	30.07.2022
Transmission Date	NA