

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7215 of 2021

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Ramashankar Kunwar @ Ram Shankar Kumar S/o Ramsagar Kunwar @
Ram Sagar Kumar Resident of Village- Binodpur, Ward No.9, P.O. and P.S.
and District- Begusarai, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna, Bihar.
2. The Principal Secretary Conservator, Secretariate, Patna, Bihar.
3. The Director, Forest Officer, Begusarai.
4. The District Magistrate, Begusarai.
5. The Sub-Divisional Officer, Begusarai.
6. The Circle Officer, Begusarai.
7. Panchayat Sachiv, Panchayat Binodpur, Block- Begusarai, District- Begusarai.
8. The Mukhiya, Panchayat, Binodpur, Block- Begusarai, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhoy Kumar Kashyap, Adv.
For the State	:	Mr. Raghwanand, GA 11 with Mr. Pratik Kumar, AC to GA 11
For the Resp. Nos. 7 & 8:	:	Mr. Jai Prakash Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 31-08-2023

Heard Mr. Abhoy Kumar Kashyap, learned counsel appearing on behalf of the petitioner and Mr. Pratik Kumar, learned counsel for the State. Mr. Jai Prakash Singh, learned counsel representing the private respondents No. 7 and 8.

2. The petitioner has filed the present writ application seeking a direction and commanding the respondents to stop the cutting of 150 tree of Mahogami without prior permission of competent authority, as the private respondents are indulged in



cutting and selling of the tree illegally.

3. A counter affidavit has been filed on behalf of respondents No. 4 to 6 and with reference to the averments made therein, submission has been made that pursuant to the averments made in the present writ application, physical verification was done by the Circle Officer, Begusarai and the Programme Officer, MNREGA on 07.02.2022 and no evidence was found regarding cutting and damaging of tree. Further the villagers have also denied that such incidence has taken place. In support of the aforesaid averment, a report has been brought on record by way of Annexure-A.

4. Mr. Jai Prakash Singh, learned counsel representing the private respondents has vehemently stated that in fact by filing the present writ application, the petitioner is trying to settle the personal vendetta against the private respondents owing to election rivalry and if the petitioner has any grievance against them he can file a proper complaint before the proper authority but the present writ petition is not at all maintainable.

5. Considering the submissions made on behalf of the parties and taking note of the report of the Circle Officer and the Programme Officer, MNREGA, this Court is not persuaded



to proceed any further in the matter, the present writ application stands disposed of. However, the petitioner shall be at liberty to take any other recourse available under the law for ventilating his grievance.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	01.09.2023
Transmission Date	N.A.

