

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.614 of 2019

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Rana Ram Bilas Singh Son of Late Rana Mahendra Singh Resident of
Village-Rasipur,P.S. Mohaddi Nagar,Dist.-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue & Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Samastipur
3. The Sub Divisional Officer, Patori, District.-Samastipur
4. The Circle Officer,Mohaddi Nagar, District.- Samastipur
5. The Programme Officer, MANREGA, Block-Mohaddi Nagar, District-Samastipur
6. Rana Kamendra Singh Son of Late Rana Singhasan Singh Resident of Village + Post Office- Rasipur-Patasia, Ex-Mukhia, Gram Panchayat Raj, Rasipur Patasia, Police Station + Block- Mohaddi Nagar, District-Samastipur.
7. Rana Pawan Kumar Singh son of Rana Ram Pravesh Singh, Resident of Village- Rasipur, P.S.- Mohaddi Nagar, District- Samstipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Subash Chandra Yadav, GP15
Respondent no. 6	:	Mr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, G.P.14
For Intervenor Respondent	:	Mr. Prabhakar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 14-03-2023

Re: I. A. No. 1 of 2022

At the outset, it is stated that intervenor Ram Pawan Kumar Singh son of Rana Ram Pravesh Singh, Resident of Village- Rasipur, P.S.- Mohaddi Nagar, District- Samstipur has filed the instant application praying for being impleaded as a party respondent in instant writ application.

In view of the statement made in the application that the



prayer of the petitioner for declaration of Rasta as public path is on the land of this intervenor-applicant, the intervention application of the intervenor Rana Pawan Kumar Singh is allowed and he is added as a party respondent in the instant writ application.

I. A. no.1 of 2022 stands allowed.

Heard learned counsel for the parties.

The petitioner has filed the instant application for the following relief(s):

“That the present writ application has been filed for issuance of a writ in the nature of mandamus commanding and directing the Respondent concerned specially Respondent No. 2 to take effective steps in view of order passed by Respondent No. 3 dated 19.11.2016 directing the Respondent Circle Officer, Mohaddi Nagar (Respondent No. 4) to sent proposal for declaration of Rasta as Public Path on the basis of Act of easement but till date no action has been taken as also for a direction upon the Respondents concerned to take appropriate action against the erring persons who are creating nuisance and damaging the public path which has been constructed under Government Scheme of MANREGA much earlier in year



2009-10 with written consent of land over but now wants to grab the said Rasta in retaliation of revenge causing inconvenience to the petitioner. Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

The petitioner along with other aggrieved persons filed an application before the Sub-Divisional Public Grievance Redressal Officer, Patori for redressal of his grievances. The same was registered by the Public Grievance Redressal Officer vide receipt as contained in Annexure-4 at page 32. It is further submitted that order dated 19-11-2016 was passed on the said application directing the Circle Officer, Mohaddi Nagar, District-Samastipur (respondent no.4) to send a proposal for declaring the Rasta in use as an Aam Rasta in terms of section 147 of the Code of Criminal Procedure. It was further directed that on receipt of the said proposal, the Sub Divisional Officer Patori, District- Samastipur (respondent no.3) shall proceed to pass orders on the same.

It is further submitted by learned counsel for the petitioner that pursuant to the order dated 19-11-2016 passed by the Public Grievance Redressal Officer, the Circle Officer,



Mohaddi Nagar sent his proposal contained in letter no. 476 dated 24-3-2021 (Annexure-A to counter affidavit of respondent nos. 2 to 5). Further on receipt of the proposal, as would be evident from Annexure-B at page no. 17 to the counter affidavit of respondent nos. 2 to 5, the Sub-Divisional Officer, Patori registered the proceeding under section 147 Cr.P.C as M.R. no. 133 of 2019 (Shri Rana Ram Bilas Singh Vs Rana Kamendra Singh) and issuing notice to the parties fixed 17-5-2019 at 11:00 am as the next date therein.

It is categorical case of the petitioner that inspite of considerable time having passed since the above steps having been taken, the proceeding under section 147 Cr.P.C. has still not been concluded.

Learned counsel for the respondent-State of Bihar, respondent no. 6 and the newly added respondent no. 7 have appeared in the case and several affidavits have been filed. None of the counsels appearing for the respondents have disputed the stand of learned counsel for the petitioner to the effect that the proceeding under section 147 Cr.P.C. vide M.R. no. 133/2019 has not been concluded in the Court of the learned Sub-Divisional Officer, Patori.

In view of the facts and circumstances of the case, the



instant application is disposed of directing the Sub Divisional Officer Patori, District- Samastipur (respondent no. 3) to conclude the proceedings under section 147 Cr.P.C being M.R. no. 133 of 2019 (Rana Ram Bilas Singh Vs Rana Kamendra Singh), if not already concluded, within a period of 4 months from the date of receipt/ communication of this order.

It may further be clarified that this Court has not entered into the merits of the case of the respective parties. The learned Sub-Divisional Officer, Patori shall proceed to dispose of the above proceeding expeditiously, in accordance with law after hearing all the necessary parties within a period of 4 months of the communication of this order.

(Partha Sarthy, J)

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