

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4631 of 2023

Irshad Alam S/o Late Habibur Rahman, Resident of Village-Mushehri, P.S.-
Jamo Bazar, District-Siwan, at Present residing at Mohalla-Phulwari P.S.-
Phulwari, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Circle Officer, Lakdi Nabiganj, Siwan.
4. The Sub-Divisional Officer, Maharajganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate Mr. Uma Kant Prasad, Advocate
For the State	:	Mr. Shailendra Kumar Dwivedi, A.C. to AAG-12

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

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

*“(i) For issuance of writ in the nature of
mandamus commanding upon the respondent
authorities particularly the respondent Circle
Officer, of Lakdi Nabiganj block, not to construct
depot for storage/ management of solid and liquid
garbage in Raiyati Land of the petitioner without
passing any formal order on reply to the show
cause notice filed by the petitioner.*

*(ii) For further direction upon the
respondent authorities particularly the respondent
Circle Officer to first pass reasoned order on reply
to the show cause notice dated 17.02.2023 filed by
the petitioner and only thereafter to proceed with*



construction of garbage storage depot in Raiyati land of the petitioner, which is of highly commercial value situated by the side of the road.

(iii) For further direction upon the respondent authorities not to proceed with the construction work over the Raiyati land of petitioner during pendency of this writ application.

(iv) For any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the case.”

It is the case of the petitioner that for the land in question which stood in the name of the father of the petitioner and for which rent is being paid to the State of Bihar, rent receipts being granted and jamabandi stands in the name of the father of the petitioner, a notice dated 11.2.2023 as contained in Annexure-1 was issued by the Circle Officer, Lakdi Nabiganj, Siwan (respondent no.3) in the name of his brother besides others to which his brother filed a reply enclosing all the relevant documents. It is the case of the petitioner that no order has been passed on the reply filed by the petitioner's brother and the respondent authorities are proceeding with the construction over the land of the petitioner without passing any orders thereon or without cancelling the jamabandi in question. The petitioner having share in the land in question, he is directly affected by the action of the respondents.

The prayer made in the application is opposed by



learned counsel appearing for the State.

Having heard learned counsel for the parties, without entering into the merits of the case of the respective parties, the writ application is disposed of with the following directions:

(i) the petitioner will file a representation before the Circle Officer, Lakdi Nabiganj, Siwan (respondent no.3) enclosing therewith all the relevant supporting documents. The said representation will be filed keeping in mind the contents of the notice dated 11.2.2023 issued by the Circle Officer and addressed to the petitioner's brother with respect to the land in question.

(ii) the above representation will be filed within one week.

(iii) The Circle Officer, Lakdi Nabiganj, Siwan (respondent no.3) will pass appropriate order on the representation filed by the petitioner in accordance with law within a period of two weeks from the date of its filing.

The writ application stands disposed of.

(Partha Sarthy, J)

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