

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13251 of 2018

=====

Murshid Alam S/o Late Ahmad Husain, Resident of Village- Ajho Kopa, P.S.-
Rupauli, District- Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Purnia.
3. The District Development Commissioner, Purnia.
4. The District Superintendent of Education, Purnia.
5. The Block Development Officer, Rupauli, Purnea.
6. The Circle Officer, Rupauli, Purnea.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.
For the Respondent/s : Mr. Raj Kishore Roy- GP18

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-11-2024 In the instant petitioner, the petitioner has prayed for
following reliefs:-

*“For issuance of writ in the nature of
mandamus to direct the respondents concerned to
surround the land of Kabrasthan situated in
Village Ajho Kopa, Panchayat Matli
Khemchandra, P.S. Rupauli, District- Purnia vide
Thana No.248, Khata No. 502, Khesra No. 431,
Rakba 1 Acre 72 Decimal as well as Khata no.
501, Khesra no. 432, Rakba 1 Acre 14 Decimal
land according to survey, whereby and
whereunder respondents concerned going on
construction Primary School on the aforesaid land
of Kabrasthan which is illegal and against the eye*



of law.

II. For any other relief or reliefs for which the petitioner is entitled.”

2. Learned counsel for the petitioner submits land in question bearing Thana No.248, Khata No. 502, Khesra No. 431, Rakba 1 Acre 72 Decimal as well as Khata no. 501, Khesra no. 432, Rakba 1 Acre 14 is the land of Kabristan and the said land was used by the Mohamdan community since long time. He further submits that said land has been encroached by the anti-social elements. He further submits that the petitioner has approached various forums raising the grievance that some bad elements created hindrance as well as constructed new school over the land of Kabristan. He further submits that a meeting was also held on 24.04.2012 under the Chairmanship of D.M. as is evident from Annexure-1 of the writ petition. He further submits that land of Kabristan should not be encroached by the anti-social elements.

2. Learned counsel for the State submits that a meeting was held on 24.04.2012 under the Chairmanship of D.M. and certain decisions were taken with regard to the land of Kabristan, as is evident from Annexure-1 of the writ petition. Learned counsel further submits that petitioner has not



approached before the competent authority for redressal of his grievance and without approaching the competent authority petitioner has directly rushed to this Court in its writ jurisdiction, and on that score, the present writ petition is not maintainable.

3. Be that as it may, for seeking writ of mandamus, there must be a demand before the competent authority. At the same time, duty is cast on the concerned authority. The first ingredient of demand before the competent authority is not forthcoming. As such, the present writ petition is not maintainable.

4. In the light of aforesaid facts and circumstances of the case, the present writ petition stands disposed of with liberty to the petitioner to represent his grievance before the appropriate forum within four weeks from the date of receipt of this order. If such application/representation is filed, the concerned authority is directed to hear the grievance of the petitioner and pass order expeditiously, in accordance with law.

(Alok Kumar Pandey, J)

amitkumar/-

U			
---	--	--	--

