

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13467 of 2018

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Manoj Kumar Sahu Son of Kamlesh Kumar Sahu, Resident of Village- Sahu
Parbatta, P.S.- Parbatta, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Bhagalpur, District- Bhagalpur.
3. The Sub Divisional Officer, Naugachia, District- Bhagalpur.
4. The Land Reform Deputy Collector, Bhagalpur, District- Bhagalpur.
5. The Anchaladhikari, Islampur, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate Mr. Shardanand Mishra, Advocate
For the Respondent/s	:	Mr. Sudhir Kumar Upadhyay, AC to GP-7 Mr. Binod Kumar Sinha, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 18-11-2024

In the instant petition, the petitioner has prayed

for the following relief(s):-

*That this writ
application is being filed for issuance
of writ nature of mandamus for
direction to the respondents to
consider the application of the
petitioner, which has been filed on
22.05.2018 before Respondents
District Magistrate relating to land
bearing Khata No.918, Khesra
No.330, Area 4.86 Acres and Khesra
No.292 Area 9.01 Acre which is
khatiyani land of the petitioner, said
very, some person digging the land of
petitioner through the JCB machine
without any authority and titled and*



further issued to respondents for stopping to digging the land of the petitioner, who have been illegally digging the land and taken away soil from the land of the petitioner and further issued direction to give other legal consequential benefit.

2. Learned counsel for the petitioner submits that petitioner has raised his grievance before the District Magistrate, Bhagalpur on 22.05.2018 that some other person forcibly started digging the petitioner's land and they have no any right, title and possession over the aforesaid land. He further submits that the said representation filed by the petitioner is pending before the District Magistrate, Bhagalpur and the concerned authority has not passed any appropriate order with regard to the petitioner's grievance. Hence, the present writ petition.

3. The learned counsel for the State submits that from the perusal of representation filed by the petitioner, it appears that there is dispute between the parties. He further submits there is no official receipt in the writ petition which indicates that petitioner has represented his grievance before the District Magistrate, Bhagalpur. Learned counsel, however, submits that in case petitioner files fresh representation, the concerned authority will look into the matter.



4. 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 public authority. The first ingredient of demand before the competent authority is not forthcoming.

5. Considering the facts and circumstances of the present case as well as arguments advanced on behalf of the parties, the present writ petition stands disposed of as not maintainable with liberty to the petitioner to file fresh representation before the District Magistrate, Bhagalpur within four weeks from the date of receipt of this order. If petitioner submits his representation before the concerned authority within stipulated period, the competent authority is directed to hear the grievance of the petitioner and pass order expeditiously within reasonable period of time after hearing the parties concerned, in accordance with law.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.11.2024.
Transmission Date	N/A

