

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17142 of 2024

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Dharmendra Singh S/o Late Ram Lakhan Singh @ Lakhan Singh, resident of Vill. and P.O.-Sarsauli, P.S.-Jamhar, Distt.-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Dist.-Aurangabad.
3. The Sub-Divisional Officer, Dist.-Aurangabad.
4. The Deputy Collector Land Reforms, Dist.-Aurangabad.
5. The Superintendent of Police, Dist.-Aurangabad.
6. The Deputy Superintendent of Police (Dy. S.P.) Aurangabad.
7. The Circle Officer, Anchal-Obra, Dist.-Aurangabad.
8. The Officer in Charge, P.S. Jamhaur, Dist.-Aurangabad.
9. The Executive Engineer, MANREGA Department, Block and P.S.-Obra, Dist.-Aurangabad.
10. Surendra Sao, s/o Late Halkhori Sao, resident of Vill and PO-Sarsauli, P.S.-Jamhaur, Dist.-Aurangabad.
11. Mithilesh Sao, S/o Late Halkhori Sao, resident of Vill and PO-Sarsauli, P.S.-Jamhaur, Dist.-Aurangabad.
12. Kameshwar Sao s/o Late Mungeshwar Sao, resident of Vill and PO-Sarsauli, P.S.-Jamhaur, Dist.-Aurangabad.
13. Krishna Sao, S/o Late Chalitar Sao, resident of Vill and PO-Sarsauli, P.S.-Jamhaur, Dist.-Aurangabad.
14. Harikishun Sao, S/o Late Chalitar Sao, resident of Vill and PO-Sarsauli, P.S.-Jamhaur, Dist.-Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satya Ranjan Sinha, Advocate
For the Respondent/s : Mr.Government Pleader 12

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 13-11-2024

In the instant petition, petitioner has prayed for the following relief(s):-

*To direct the
concerned Respondents no. 7 and 8
i.e. the Circle Officer, Obra and the*



officer-in-charge, P.S.- Jamhaur, Dist.- Aurangabad, for protecting the peaceful possession upon the land of Khata no. 17, Survey Plot No.-1579, Thana no. 290, Tauzi No.- 10468 of Mauza- Sarsauli, P.S.-Jamhaur, Anchal- Obra, Dist.- Aurangabad upon which the private respondents no. 10 to 14 with the help of Respondent no. 9 i.e. the executive engineer, MNREGA, constructed the Nala upon the private land of the petitioner without his consent which causes much difficulties to the petitioner day by day and also disturb the health and hygiene of the family of the petitioner as they are residing there.

II. To direct concerned Respondents to stop the construction work of Nala with immediate effect and if the Nala is constructed upon the private land it may be removed with the cost of the state from the private land of the petitioner.

III. To direct the concerned Respondents to dispose of the representation filed by the petitioner for construction forthwith.

IV. To direct the concerned Respondents to protect the petitioner from construction of boundary wall on own raiyati land in the interest of justice forthwith.

V. To grant any other relief/reliefs which the petitioner may be found entitled in the facts and circumstances.



2. Learned counsel for the petitioner submits that petitioner is aggrieved by construction of nala over the raiyati land of the petitioner appertaining to Khata no. 17, Survey Plot No.-1579, Thana no. 290, Tauzi No.- 10468 of Mauza- Sarsauli, P.S.-Jamhaur, Anchal- Obra, Dist.- Aurangabad. He further submits that petitioner has filed an application before the District Magistrate, Aurangabad as mentioned in Annexure 5 to the writ petition but no specific averment has been mentioned in the writ petition whether petitioner has submitted his representation in the office of the District Magistrate, Aurangabad or not.

3. Learned counsel for the State submits that petitioner has not submitted any copy of his representation as no official receipt of the said representation has been submitted by the petitioner before this Court.

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

5. Accordingly, the instant writ petition stands disposed of as not maintainable.



6. However, disposal of the writ petition would not be hurdle for the petitioner to represent his grievance before the concerned authority. If petitioner submits his representation before the concerned authority within four weeks from the date of receipt of this order, the competent authority is directed to hear the grievance of the petitioner and pass order expeditiously, preferably within six weeks from the date of receipt of this order, in accordance with law.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.11.2024.
Transmission Date	N/A

