

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.560 of 2025

In
Civil Writ Jurisdiction Case No.17142 of 2024

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Dharmendra Singh son of late Ram Lakhan Singh @ Lakhan Singh, Resident of village and P.O. -Sarsauli, P.S. -Jamhaur, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Gov. of Bihar, Patna, Sri Amrit Lal Meena.
2. The District Magistrate, Distt.- Aurangabad Sri Srikant Shastri.
3. The Sub-Divisional Officer, Distt. Aurangabad, Sri Manoj Kumar.
4. The Deputy Collector Land Reforms, District-Aurangabad, Sri Deepal Kumar.
5. The Superintendent of police Distt.- Aurangabad, Sri Ambrish Rahul.
6. The Dy S.P. Distt. Aurangabad Sri Kumar Rishiraj.
7. The Circle Officer, Anchal- Obra, Distt.- Aurangabad Sri Harihar Pathak.
8. The Officer in- charge P.S. Jamhaur, Distt.-Aurangabad Sri Raj Kishore.
9. The Executive Engineer, MANREGA Department Block and P.S. Obra, Distt. Aurangabad, Sri Amrendra Kumar Singh.
10. Surendra Sao son of Late Halkhori Sao, resident of village and PO Sarsauli, P.S. Jamhaur, Distt.- Aurangabad.
11. Mithilesh Sao son of Late Halkhori Sao resident of village and PO Sarsauli, P.S. Jamhaur, Distt.- Aurangabad.
12. Kameshwar Sao s/o Late Mungeshwar Sao, resident of village and PO -Sarsauli, P.S. Jamhaur, Distt.-Aurangabad.
13. Krishna Sao son of late Chalitar Sao, resident of village and PO Sarsauli, P.S.-Jamhaur, Distt.- Aurangabad.
14. Harikishun Sao son of late Chalitar Sao resident of village and PO Sarsauli, P.S.-Jamhaur, Distt.- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satya Ranjan Sinha, Advocate Mr. Dhananjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Mujiabaul Haque, G.P. 12 Mr. Vasant Vikash, AC to GP 12

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 08-08-2025

Heard the parties.



The instant contempt petition is arising out of order dated 13.11.2024 passed in C.W.J.C. No. 17142 of 2024 and it reads as under:-

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.

2. Learned counsel for the petitioner submits that in compliance of the aforesaid order, petitioner filed a representation before the concerned authority on 27.11.2024 but the said representation is still pending.

3. During the pendency of the representation filed before the competent authority, petitioner has filed the instant M.J.C. No. 560 of 2025.



4. On 02.05.2025, following order has been passed:-

Heard the parties.

2. Learned counsel for the petitioner submits that in the light of direction given by this Court on 13.11.2024, petitioner has filed representation before the concerned authority but no order has been passed on the representation of the petitioner as yet.

3. Learned counsel for the State seeks four weeks time to file show cause in the said matter.

4. Put up this matter on 27.06.2025.

5. Learned counsel for the State submits through show cause filed on behalf of Respondent No. 2, 3, 4 and 7 that representation filed by the petitioner has already been disposed of in the light of the direction given by this Court vide order dated 13.11.2024 but some delay has been occurred in compliance of the said direction on account of official formalities.

6. From the aforesaid submission, it is evident that the representation of the petitioner has already been disposed of by the concerned authority, though, there is belated compliance of



the direction given by this Court vide order dated 13.11.2024.

7. In the light of the aforesaid facts and circumstances of the case and arguments advanced on behalf of the parties, the present contempt petition is disposed of with liberty to petitioner that if he has still any grievance, he may represent his grievance before the appropriate forum.

(Alok Kumar Pandey, J)

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