

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10676 of 2015

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Dhananjay Kumar Son of - Shree Shiv kumar Prasad Resident of Village-
Chaksamya, P.o. Samyagarh, P.s Ghoshwari, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, P.H.E.D. Department, Govt. of Bihar, Patna.
3. The Collector Patna.
4. The Executive engineer, P.H.E.D. Department , Govt of Bihar Patna.
5. The Sub-Divisional Officer, Patna.
6. The Block Development Officer Ghoshwari, District Patna.
7. The Circle Officer, Ghoshwari , District Patna.
8. The Circle Inspector, Ghoshwari, District Patna.
9. The Halka Karmachari, Ghoshwari, District Patna.
10. The Officer In-charge, Ghoshwari, district Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vitesh Kumar Singh, Adv
For the Respondent/s	:	Mrs. Binita Singh, SC-28
		Mr. Anil Kr Uapdhyay, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

7 08-05-2025 Heard learned counsel for the petitioner, Mr Vitesh Kumar Singh and learned counsel for the respondent-State, Mr. Anil Kumar Upadhay.

2. Learned counsel appearing for the petitioner submits that although he had taken time on the last occasion to file a reply to the supplementary counter affidavit but there is no need for the same and hence, he is proceeding to argue the matter of merits.

3. In the light of the order dated 17.03.2025, the Collector, Patna, had conducted a meeting of 08.04.2025 and in the said meeting the following decision was taken:-



उक्त के आलोक में अनुमंडल पदाधिकारी, बाढ़ को निदेशित किया गया कि प्रश्नगत मामले में स्थलीय जाँचोपरान्त मापी कराना सुनिश्चित करेंगे। उक्त मापी में यदि वादी की रैयती भूमि पर जलमीनार की चाहरदीवारी का निर्माण पाया जाता है, तो को उसे कार्यपालक अभियंता, लोक स्वास्थ्य अभियंत्रण विभाग के माध्यम से हटवाना सुनिश्चित करेंगे। साथ ही वादी द्वारा रास्ते के संदर्भ में दिये गये आवेदन के आलोक में नियमानुसार आवश्यक कार्रवाई करेंगे। परन्तु उक्त कार्रवाई सी०डब्लू०जे०सी० सं०-10676/2015 धनंजय कुमार बनाम राज्य एवं अन्य में माननीय उच्च न्यायालय द्वारा पारित आदेश के अनुरूप की जायेगी।

सधन्यवाद बैठक की कार्यवाही समाप्त की गयी।

4. The aforesaid decision taken by the Collector, Patna, was communicated to all concerned including the petitioner *vide* Memo No.2029 dated 08.04.2025. On the same date, a report was submitted by the Amin, Ghoswari, wherein the following observation was made :-

पुनः श्रीमान को सूचित करना है कि प्रश्नगत खेसरा- 1100 के दक्षिण दिशा में अवस्थित सर्वेकुओं से मापी प्रारम्भ किया तथा अन्य खेसरा का मिलान मापी करते हुए प्रश्नगत खेसरा का सिमांकन किया तदोपरान्त पाया कि पानी टंकी सैसरा 1100, 3593 एवं 3594 के अंश भागू पर बना हुआ है। जिसका कुल रकबा - 7.63 डी० होता है जिस नज़री नक्शा में स्पष्ट रूप से दर्शाया गया है।

इसलिए, आपकी जानकारी के लिए और श्रीमान को समर्पित।



5. Learned counsel for the petitioner submits that in light of the decision of the Collector and also the observation of the Amin, which are in his favor, the petitioner be granted a liberty to file a representation before the Collector, Patna, so that the relief being claimed by him in the present application can be allowed by the Collector itself. Learned counsel appearing for the respondent-State has no objection.

6. As prayed for by learned counsel for the petitioner and agreed by learned counsel for the respondent-State, the petitioner is granted liberty to file a detailed representation claiming relief on the basis of the above referred decision of the Collector and the observation of the Amin. If a representation to this effect is filed within a period of four weeks from today, after hearing the petitioner, the Collector, Patna, shall dispose of the same further within a period of eight weeks by passing a reasoned and speaking order.

8. With the aforesaid liberty granted to the petitioner, the present writ application stands disposed of.

(Alok Kumar Sinha, J)

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