

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16851 of 2025

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Shyam Kishore Yadav S/o Dineshwar Yadav, resident of Village-Pandey Tola,
P.O. Goh, P.S.-Goh, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Old Secretariat, Patna.
2. The District Magistrate, Aurangabad.
3. The Block Development Officer, Goh, Aurangabad.
4. The Circle Officer, Goh, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Alok, Adv
For the Respondent/s : Mr. Government Advocate 11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-10-2025 In the instant petition, petitioner has prayed for
following reliefs:

*(i) For issuance of direction /writ
in the nature of Mandamus specially
Respondent no. 2, 3 and 4 for removal of
encroachment from the Public Pond situated
at Mauja Goh, Thana 194, Kahta no. 1138,
plot no. 2691/2692 having total area of
approx. 16 acre which has shrunk to only 8-
10 acres left and clean the pond in question
before Chath Puja and protect the pond in
question from dirt and keep getting it
cleaned from time to time.*



(ii) For issuance of writ in the nature of Mandamus for direction to comply the order dated 21.07.2025 passed by District Magistrate cum second appellate authority in case no. 534110122102403876/2A by which District Magistrate cum second appellate authority directed the respondent no. 3 i.e., Block Development Officer, Goh to make sure that the cleaning of pond in question is regularly done by the public authority using public fund and also run a campaign for to protect the pond in question from dirt and keep getting it cleaned from time to time.

(iii) For any other relief or reliefs as prayed.

2. For issuance of writ of mandamus, two ingredients are mandatory, namely, approaching the concerned Authority by means of application/representation and followed by vested right to claim. Particularly, both the ingredients are not forthcoming.

3. Be that as it may, the present petition stands disposed of as pre-mature. The petitioner is permitted to invoke the aforementioned remedy in the light of Hon'ble Supreme Court decision in the case of **Bank of India & Ors Vs. Muthyala Saibaba Suryanarayana Murthy & Anr.** [Civil



Appeal No. 3829 of 2025 arising arising out of SLP(C) No. 24400 of 2024] reported in **2025 SCC online SC 585**. In the event of filing any application/representation, the concerned Authority is hereby directed to decide the petitioner’s application/representation strictly in accordance with law within a period of three months from the date of receipt of petitioner’s application /representation.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

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