
Mahendra Kumar And Ors Vs State Of Bihar And Ors

Civil Writ Jurisdiction Case No. 12142 Of 2019

Court: Patna High Court

Date of Decision: Dec. 8, 2020

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Pritish Kumar Lal, Pawan Kumar

Final Decision: Disposed Of

Judgement

Petitioners have prayed for the following relief(s):-

(A) An appropriate writ(s), order(s), direction(s) to the respondents for removal of encroachment existing over the Aahar appertaining to Khata No.

3442 (Old), 260(New), Khesra 3977 (Old) 440 (new), Thana NO. 464 at village Kako, District- Jehanabad, a land recorded in Khatiyas as Anabad

Sarwa Sadharan i.e., Gair Majarua Aam (hereinafter referred to as "the Panihas").

(B) An appropriate writ(s), order(s), direction(s) to the respondent No. 4 taking the encroachment proceeding vide encroachment case No. 07 of 2017-

18 to its logical end as well as for taking effective steps under the Public Land Encroachment Act for removal of encroachment made on the said

"Panihas".

(C) An appropriate writ(s), order(s), direction(s) commanding the Anchal-Adhikari, Kako, for giving effect to the direction contained in order dated

14.07.2017 passed by Anumandliya Lok Sikayat Niwaran Padhadhikari, Jehanabad.

(D) An appropriate writ(s), order(s), direction(s) commanding the respondents 1st set to act in accordance with law.

(E) Any other relief(s) to which the inhabitant of village Kako, P.S. and District- Jehanabad are entitled to.

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest;

and that the issue can be best resolved at the Government level by the appropriate authorities.

After the matter was heard for some time, learned counsel for the petitioners submits that petitioners shall be content if a direction is issued to the

concerned respondent(s) to consider and decide the representation which the petitioners shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it

of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the

same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the

parties.

Liberty reserved to the petitioners to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree

to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.