

**(2020) 12 PAT CK 0301**

**Patna High Court**

**Case No:** Civil Writ Jurisdiction Case No. 14807 Of 2019

Avadhesh Prasad

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

---

**Date of Decision:** Dec. 8, 2020

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

**Bench:** Division Bench

**Advocate:** Rabindra Kumar, Md. Khurshid Alam

**Final Decision:** Disposed Of

---

### **Judgement**

Petitioner has prayed for the following relief(s):-

“That the Petitioner being public representative and also being authorized by the public of Brapur Village to file this public interest litigation in the interest of public in General of the locality and thus, prays for issuance of an appropriate writ/writs, direction/directions and/or order/ orders commanding the respondents to stop the Construction made in the water bodies of Village-Brapur over Khata No. 106, Plot No. 383 area 65 Decimal, and where building for Anganwadi Centre is going to be constructed by the Government itself, whose permission was obtained for constructing the same. The said land on which the building construction is going on is Gairmajarua Aam land which is in the nature of “Khajana of Water” The only source for irrigation of agriculture and situated in and around village Brapur Police Station Srae District-Nalanda, detailed mentioned in record of rights.”

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 local level by the appropriate authorities.

We find that the interest of justice should be best served, if petitioner approaches the respondent no. 3 within a period of four weeks for venting out

his all rights and grievances also pointing out issues of public interest, including the subject matter of the present petition.

Learned counsel for the respondents states that if such a representation is filed by the petitioner, 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 petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner 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 petitioner 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.