

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9460 of 2020

Chhotu Yadav, Son of Late Foudi Yadav, Resident of village- Jakhe Devipur,
P.S.- Akabarpur, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Revenue and Land Reform Department,
Government of Bihar, Patna
3. The District Magistrate, Nawada
4. The District Planning Officer, Nawada
5. The Additional Collector, Revenue, Nawada
6. The Sub-Divisional Officer, Rejauli, District- Nawada
7. The Deputy Collector, Land Reform, Rajauli, District- Nawada
8. The Block Development Officer, Akabarpur, District- Nawada
9. The Circle Officer, Akabarpur, District- Nawada
10. The Executive Engineer, Local Area Engineering Organization work
Division-1, Nawada

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bhola Kumar, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam, A.A.G. 12

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-12-2020

Petitioner has prayed for the following relief(s):

“(A) For issuance of a writ in the nature
of Mandamus Commanding the
respondents authorities to not construct a
Samudaik Vikas Bhawan in Chamartoli
Akabarpur under Mukhyamantri Kshetriye



Vikas Yojana in Plot no. 1107/1412, Khata No. 556, area 2 acre 90 decimals which is situated in Mauza Akabarpur, Thana no. 256 Circle- Akabarpur, District- Nawada in terms of Annexure- '3'. Because the aforesaid land is a river and due to construction of the aforesaid Samudaik Bhawan in the aforesaid river thousands Hectare of land will become useless for agriculture operation.

(B) For further directing the respondents authorities enforce the decision of Government of Bihar vide letter no. 655(6) dated 16.06.2016 contained in Annexure-'3'.

(C) To quash the Zamabandi in the aforesaid land which has illegally been created some Zamabandi of some persons by the authorities concerned by the illegal gratification.

(D) To restrain the construction of the aforesaid Samudaik Bhawan during the pendency of the instant writ application. Because the aforesaid Samudaik Vikash Bhwan is being constructed against the mandate of Annexure-'3' by the local Area Engineering organization, work Division-1, Nawada.

(E) For passing any other order/s, Command/s, direction/s, appropriate writ/s, which your Lordships deem fit and proper in the facts and circumstances of the instant case in the general interest of the



public of Nawada District.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation which the petitioner shall be filing for redressal of the grievance(s).

State has no objection to the same.

As such, petition is disposed of in the following terms:

The petitioner shall file a representation before the authority concerned within a period of four weeks.

The concerned respondent is directed to consider and decide such representation expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

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.

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.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.12.2020
Transmission Date	

