
(2008) 11 PAT CK 0081
In the Patna High Court
Case No : CWJC No. 15933 of 2008

Ram Narayan Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 12-11-2008

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 80

Citation : (2009) 1 PLJR 609

Hon'ble Judges : R.M. Lodha, C.J.; Kishore K. Mandal, J

Bench : Division Bench

Advocate : Fulman Singh, for the Appellant; Mani Kant Mishra for the Respondent 1 to 4, for the Respondent

Judgement

1. The petitioner, who is resident of village Takiya, District Rohtas has approached this Court raising his grievance with regard to encroachment in the cremation ground situate in R.S. Plot No. 516 in village Takiya. It is alleged that the area of the said plot is 35 decimals and has been used for cremation for the last 100 years but has been encroached upon by the farmers of the said village and because of that no cremation ground is available to the villagers of Takiya village. It appears that the petitioner has given a notice u/s 80 of the CPC to the District Magistrate, Rohtas raising his grievance about the encroachment in the cremation ground.

2. After having considered the matter, we are of the considered view, that the notice given by the petitioner to the District Magistrate, Rohtas (Annexure-1) be treated as a representation to the District Magistrate and the same be considered and disposed of by him at an early date. We, accordingly, dispose of this writ petition by following order:-

(i) The notice dated 1st February, 2006 (Annexure-1) by the petitioner to the District Magistrate, Rohtas be treated as a representation made to him for redressal of his grievance with regard to the removal of encroachment in the cremation ground (R.S. Plot No. 516).

(ii) The District Magistrate, Rohtas shall consider the said representation objectively and pass an appropriate order thereon expeditiously and preferably within two months from today and communicate the same to the petitioner.

(iii) In case, the District Magistrate, Rohtas is satisfied that the cremation ground (R.S. Plot No. 516) of village Takiya has been encroached upon, steps for removal of such encroachment shall be taken without delay, in accordance with law.