

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5817 of 2019

1. Abdul Manan, S/o Abdul Vased
2. Tanjeela Khatoon, W/o Edramul Haque
Both are res/Vill.-Dhaja Ghat Binod Pou Dighi, P.S. Kodha (Rastauna) Dist.-
Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of Revenue
and Land reforms Govt. of Bihar, Patna
2. The District Magistrate, East Katihar
3. The Sub-Divisional Magistrate, Katihari
4. That Circle Officer, Kodha, Katihar
5. The Anchal Amin, Kodha, Katihar
6. Kailu Reshi, S/o Janki Rishi
7. Parvin Reshi, s/o Bhedi Rishi
8. Kailu Reshi, S/o Phaglu Rishi
9. Khublul Rishi, S/o Bhedi Rishi
10. Sita Yadav, S/o Bhedi Rishi
6-10 are residents of Village-Dhaja Ghat Binod Pur Muskahim, P.S. Restaru,
Dist.-Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 01-04-2019 Following is the relief, which the petitioners are
claiming:-

“That this is an application for issuing
writ, order and direction/mandamus to respondent
no. 2, District Magistrate, Katihar and respondent
no. 4, the Circle Officer, Kodha, Katihar of
vacate/the demarcation surplus land in Khata No.



61, Khesra No. 243 and total and 88 dismal and khatune 61, 62 khasara no. 935, 936, area 56 dismal and khata no. 61, khesra no. 243, area 1 acre situated in village Binodpur, P.S. Rautaure and granted of all other consequential benefit.”

This Court had occasion to examine various statutory provisions under the Bihar Land Disputes Resolution Act, 2009, the Bihar Land Mutation Act, 2011, the Bihar Right to Public Services Act, 2011 and Bihar Right to Public Grievance Redressal Act, 2015, which provide adequate and efficacious remedy for the citizens to approach statutory authorities under the aforementioned enactments for redressal of their grievance(s), in the order, dated 21.01.2019, passed in CWJC No. 1286 of 2019 (**Akali Devi v. the State of Bihar and Others**).

After having noticed various provisions, the following observations have been made, in **Akali Devi** (supra):-

“I have summarily dealt with various enactments, as noted above, enacted apparently for the benefit of the people of the State of Bihar so as to facilitate smooth redressal of their grievances within stipulated time. The wish of the Legislature, as disclosed in Acts of the Legislature, is the wish of the people. Despite all these enactments, the litigants are still approaching this Court under



Article 226 of the Constitution of India, in many of the cases, seeking a direction merely to dispose of matters which are pending before the authorities, who fall within the definition of Public Authority under Section 2(e) of the Public Grievance Redressal Act.

Since so many Acts have been enacted to take care of almost each and every grievance of the people of the State of Bihar for redressal of their grievances, in my view, ordinarily they should approach this Court only after having exhausted their remedy under the above mentioned Acts.

It is trite that existence of an alternative remedy is not a bar for this Court to entertain a writ application under Article 226 of the Constitution of India, but it is always prudent that the parties approach competent authorities under the State within the meaning of under Article 12 of the Constitution of India for redressal of their grievances first before approaching this Court by invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

As I have already discussed above, right to public services under the Right to Public Services Act and Right to Public Grievance Redressal Act are such rights, which have been given statutory character with the enactments of these Acts. Right to receive public service and right to get the grievances redressed having become statutory in nature and as statutory remedies have



been provided within statutory stipulated time, there is no reason why a person should approach this Court in writ jurisdiction without availing alternative statutory remedies under the aforesaid enactments, unless an exceptional circumstance is made out for this Court to step in invoking wide powers under Article 226 of the Constitution of India.”

In view of what has been observed, as above, in the case of **Akali Devi** (supra), this application is disposed of with the observation that the petitioners shall be at liberty to approach competent authority under appropriate provisions of law for redressal of their grievance(s).

It is not in dispute that the petitioners have so far not availed the said statutory remedies.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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