

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6433 of 2019

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1. Surendra Singh, S/o Awadhesh Singh
 2. Murati Devi, W/o Suresh Chauhan
 3. Kalawati Devi, W/o Dindaal Singh
 4. Lakhraj Singh, S/o Late Kailash Singh
 5. Pawan Singh, Son of Suresh Singh
- All are residents of Village- Kochadi, P.O. Saranja, P.S. Rajpur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Bihar Land Reform Department, Patna.
2. The Collector, District Buxar.
3. The Sub Divisional Officer, Buxar.
4. The Circle Officer, Rajpur, District- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta
For the Respondent-State: Mr. Akhilesh Kumar Sinha, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-04-2019 Heard learned Counsel for the parties concerned.

The petitioners are aggrieved by on order, dated 01.11.2018, passed by the District Officer -cum- 2nd Appellate Authority, Public Grievance Redressal, Buxar, under the Bihar Right to Public Grievance Redressal Act, 2015, whereby he has directed the Circle Officer, Chausa, to make an enquiry as to whether the petitioners are landless or not. The petitioners are also seeking direction to the respondents to give effective possession of land in respect of which, *purcha* has been issued



by the State-respondents in their favour under the Bihar Privileged Persons Homestead Tenancy Act, 1947 (hereinafter referred to as 'the Act'). The petitioners claim that they are landless. They also claim that they fall within the definition of privileged persons under the Act.

Learned Counsel for the petitioners has submitted that they being landless persons, they are entitled for settlement of lands in their favour and accordingly, *purchas* have been issued. It seems from the materials on record that the Circle Officer, Chausa, had reported about the land in respect of which, the petitioners were raising claim before the revenue authorities that the same was water body, which could not be settled in the light of certain directions issued by this Court and the Supreme Court.

The District Officer -cum- 2nd Appellate Authority, Public Grievance Redressal, Buxar, has directed the Circle Officer, Chausa, vide the impugned order, dated 01.11.2018, to enquire into the matter and find out whether the petitioners are landless or not.

Learned Counsel appearing on behalf of the petitioners has submitted that the Circle Officer, Chausa, is prejudiced against the cause of these petitioners as he has



already submitted adverse reports against them and, therefore, instead of Circle Officer, enquiry should have been conducted by someone else.

I do not find much force in submission made on behalf of the petitioners. The report, which the Circle officer, Chausa, is required to submit under the direction of the District Officer -cum- 2nd Appellate Authority, Public Grievance Redressal, Buxar, is with respect to the fact as to whether the petitioners are landless or not. The Court cannot presume that without any evidence to show that petitioners possess land/house, Circle Officer cannot submit a report adverse to the interest of the petitioners.

The order of the District Officer -cum- 2nd Appellate Authority, Public Grievance Redressal, Buxar, which is impugned, does not require interference by this Court.

This application is, however, disposed of with the observation that the Circle Officer, Chausa, must proceed expeditiously in the matter and do the needful within three months from the date of receipt/production of copy of this order.

(Chakradhari Sharan Singh, J.)

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