

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6293 of 2019

1. Shobha Devi, Wife of Raj Kumar Sada,
2. Kabutari Devi wife of Banarsi Chaudhari
3. Sulekha Devi wife of Arun Choudhari
4. Meena Devi wife of Rakesh Paswan
5. Bisheshwar Sah son of Late Gobind Sah
6. Muneshwar Sada @ Manish Kumar son of Late Ramdeo Sada
7. Mahendra Prasad Singh son of Late Ram Kishun Prasad Singh District-Khagaria.
8. Ashok Chaudhary son of Bajo Chaudhary
9. Sagar Chaudhary son of Nand Lal Chaudhary
10. Sushila Devi wife of Tuntun Chaudhary
11. Radha Paswan son of Late Beero Paswan
All are resident of Village Udangharari, Post Sonamaki P.S. Markahi, Block and District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Land and Revenue Department, Patna.
2. The Director, Land and Revenue Department New Secretariat Building, Patna.
3. The Collector, Khagaria District- Khagaria.
4. The Additional Collector District Khagaria.
5. The Deputy Collector, Land Reforms Khagaria.
6. The Circle Officer, Block Alauli District- Khagaria.
7. Most. Parwati Devi wife of Late Sahder Mandal D/o Hiranman Giri resident of Village Dahgana, P.S. Gogari, District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dronacharya
For the Respondent/s : Ms. Archana Prasad, AC to SC 19

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-04-2019 Heard learned counsel for the parties.

The petitioner have sought following relief :-



“That the present writ application is being filed on behalf of the petitioners above named for the issuance of appropriate writ(s), order(s), directions(s) to the respondents authorities and thereby to issue a writ in the nature of mandamus directing the respondent authorities to open Jamabandi in the name of petitioners as well as to receive rent for the land as directed by the learned Additional Collector, khagaria in Jamabandi creation Appeal No. 50/2015 as per the order, dated 21.09.2017”

It is being asserted that the authorities subordinate to the Additional Collector, Khagaria, more particularly, the Deputy Collector Land Reforms, Khagaria and the Circle Officer, Alauli, Khagaria, are not carrying out the specific order of the learned Additional Collector, Khagaria, whereby he has directed for creation of *jamabandi* in petitioners' favour.

Learned Counsel, appearing on behalf of the petitioners, has submitted that the order of the Additional Collector, dated 21.09.2017, has been passed in exercise of his statutory power as an appellate authority, which is to be implemented by other statutory authorities under the Bihar Land



Mutation Act, 2011. Relying on a Supreme Court's decision in case of **The Bhopal Sugar Industries Ltd. Vs. Income-Tax Officer, Bhopal** reported in [AIR 1961 SC 182], with reference to Paragraph 8 therein, he has submitted that if the authorities subordinate to the Additional Collector do not implement the order of the appellate authority, this Court in exercise of power under Article 226 of the Constitution of India should issue writ of mandamus commanding the authority to implement the order of the appellate authority.

Paragraph 8 of the said decision in case of **The Bhopal Sugar Industries Ltd.** (supra) reads thus:-

“8. We think that the learned Judicial Commissioner was clearly in error in holding that no manifest injustice resulted from the order of the respondent conveyed in his letter dated March 24, 1955. By that order the respondent virtually refused to carry out the directions which a superior tribunal had given to him in exercise of its appellate powers in respect of an order of assessment made by him. Such refusal is in effect a denial of justice, and is furthermore destructive of one of the basic principles in the administration of justice based as it is in this country on a hierarchy of courts. If a subordinate tribunal refuses to



carry out directions given to it by a superior tribunal in the exercise of its appellate powers, the result will be chaos in the administration of justice and we have indeed found it very difficult to appreciate the process of reasoning by which the learned Judicial Commissioner while roundly condemning the respondent for refusing to carry out the directions of the superior tribunal, yet held that no manifest injustice resulted from such refusal.”

This is not the case of the petitioners that the Circle Officer or the Deputy Collector Land Reforms has refused to comply with the direction issued by the Additional Collector or they questioning the order/direction itself. Facts of the present case are clearly distinguishable from the case of **The Bhopal Sugar Industries Ltd.** (supra). Further, in my view if the petitioners had a grievance that any order passed by the Additional Collector in exercise of his appellate power under Section 7 of the Bihar Land Mutation Act, 2011, was not being duly implemented, he had the remedy of approaching appropriate authority under the Bihar Right to Public Grievance Redressal Act, 2015 (in short ‘the Act’). The petitioners’ case is not of refusal by the authorities to implement a statutory order but of delay in complying with the directions issued by the



Additional Collector. Such grievance, the petitioners may raise before the Public Grievance Redressal Officer under the Act.

This application is disposed of with a liberty to the petitioner to approach the competent authority under the Act, which provides redressal of grievance within time stipulated therein.

(Chakradhari Sharan Singh, J)

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