

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6468 of 2019

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Taruna Devi W/o Late Tribesh Kumar Poddar Res. of Vill.- Madhurapur, P.S.-
Bhawanipur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary Revenue Department, Govt. of Bihar
2. The District Magistrate Bhagalpur, Bihar
3. The Sub- Divisional Officer cum Public Grievance Redressal Officer Naughchhia, Distt.- Bhagalpur.
4. The Circle Officer Narayanpur, Distt.- Bhagalpur.
5. The Revenue Karmchari Narayanpur, Bhagalpur.
6. The Circle Inspector Narayanpur, Bhagalpur.
7. Ravi Kumar Poddar S/o Naresh Poddar Res. of Vill.- Alamnagar, Keshari Chowk, P.S.- Azamnagar, Distt.- Katihar.
8. Pappu Ali S/o Tahir Ali Res. of Vill.- Balha, P.S.- Bhawanipur, Distt.- Bhagalpur.
9. Sahim Ali S/o Tahir Ali Res. of Vill.- Balha, P.S.- Bhawanipur, Distt.- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shyam Kishor Das
For the State	:	Mr. Subash Chandra Yadav (GP-15)
		Mr. Sanghmitra, AC to GP 15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-04-2019 Heard learned counsel for the parties.

The petitioner is seeking a direction to the respondents to restore the possession of the petitioner over the land which is presently in possession of the private respondent nos. 7 to 9. The petitioner claims that the land was in her possession and after dispossessing her, the said respondents



have acquired possession. It has also been asserted that the petitioner has right, title and interest over the said land.

The question of title and possession cannot be adjudicated upon in the present proceeding. The petitioner appears to have invoked the provisions of the Bihar Right to Public Grievance Redressal Act, 2015 (hereinafter to be referred to as 'the Act'). Her claim upto the appellate authority under the Act has been disposed of with the observation that the petitioner may raise her claim of title and possession in a civil court of competent jurisdiction.

Learned counsel, appearing on behalf of the petitioner, has relied on an order of this Court dated 25.05.2010, passed in CWJC No. 4420 of 2010 (**Mahendra Bhagat Vs. The State of Bihar and others**), to submit that this Court, in exercise of the power under Article 226 of the Constitution of India, can direct for restoration of possession in appropriate cases.

I am of the view that the said order dated 25.05.2010 does not apply in the present set of fact. In case of **Mahendra Bhagat** (supra), there was material before the Court that the petitioner was forcibly evicted by the police and possession was handed over by them to the private respondent in that case. In



the aforesaid background, the order dated 25.05.2010 was passed.

This writ application is accordingly disposed of with a liberty to the petitioner to approach the competent court of civil jurisdiction by filing a suit.

(Chakradhari Sharan Singh, J)

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