

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18276 of 2014

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Birendra Dube, Son of Late Ram Awadh Dube Resident of village - Redia,
P.O. Pirauta, P.S. N.T.P.C. Khaira Navinagar , District - Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Aurangabad
3. The Deputy Collector, Land Reforms, Aurangabad, District - Aurangabad
4. The Circle Officer, Navinagar, District - Aurangabad
5. The Revenue Karmachari, Kerka Panchayat, P.S. N.T.P.C. Khaira Navinagar ,
District - Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Singh
For the Respondent/s : Mr. Rakesh Ranjan, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-02-2019 Heard learned counsel for the parties.

The petitioner has a grievance that despite he having approached the Circle Officer, Navinagar in the District of Aurangabad, by making his application dated 21.07.2014, for grant of land possession certificate, acceptance of rent and issuance of rent receipts, no decision has been taken as yet. Copy of the application so made has been brought on record by way of Annexure-5 to this writ application.

Issuance of the land possession certificate is one of the functions of the competent authority under the Bihar Land Mutation Act, 2011.



Item No. 17 of the Bihar Right to Public Service Rules, framed under the Bihar Right to Public Service Act, 2011 (in short 'the Act') requires the Circle Officer to decide an application for issuance of land possession certificate within time prescribed thereunder. Section 6 of the Act gives forum of appeal to an applicant, in case his application is either rejected or if the service is not provided within the stipulated time limit. Section 7 of the Act contemplates imposition of punishment on the Designated Public Servant, if he has failed to provide service without sufficient reasonable cause.

In the facts and circumstance of the present case, it is being disposed of with a liberty to the petitioner to prefer an appeal before the appellate authority under the Act. If he files such application within four weeks from today, the appellate authority shall not raise any objection on the point of delay, since the petitioner was pursuing his remedy before this Court. The appellate authority, apart from considering the petitioner's case on merit, shall be obliged to consider whether any penalty is to be imposed on the Designated Public Servant, who, it is said has failed to provide the service under the Act.

This application stands disposed of.

The appellate authority shall be obliged to adhere to



the time limit for disposal of the petitioner’s appeal, as prescribed, under the Act.

(Chakradhari Sharan Singh, J)

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