

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9446 of 2019

Vijay Kumar Yadav S/o Late Dev Narayan Yadav Vill.- Mahisaut, p.o.-
Dinmo, P.s.- Kusheshwar Astan, Distt.- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue, Patna
2. The Principal Secretary Department of Animal Husbandry and Fisheries, Bihar, Patna
3. The District Magistrate Darbhanga
4. The Bandobast Officer Darbhanga
5. The Deputy Collector Land Reforms, Biraul, Darbhanga
6. The Circle Officer Kusheshwar Asthan, East, Darbhanga
7. The District Fisheries Officer Darbhanga-cum-Chief Executive Officer, Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Mr.Pankaj Kumar Jha
For the State	:	Mr.Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 14-05-2019 This writ application has been filed, seeking the following relief(s):-

“(i). For issuance of an appropriate writ/s, order/s, Direction/s to the respondents for restraining the respondents from changing the boundary of the land of the petitioner situated Mauza-Mahisaut, Khata No.157, Old Khesra No. 101/121, Tauzi No. 6829 admeasuring about 21 bigha and 10 kathas of land which has been settled by ex-land lord in the name of the petitioner and his family members

(ii). For issuance of an appropriate writ/s, order/s, Direction/s to the respondents not to merge the land of the petitioner in sairat as has been proposed by the Circle Officer, Kusheshwar



Asthan (East) to make correction in area of the land for Hamisaut @ Narkatiya, river kamla and Mahisaut Jheel.

(iii). For issuance of an appropriate writ/s, order/s, Direction/s to the respondents not to create any hindrance in peaceful possession of the petitioner on the recommendation made by the S.D.O., Biraul and pursuant their to proposal was made by the learned D.C.L.R. to Circle Officer, Kusheshwar Asthan (East), Darbhanga.”

Learned counsel for the petitioner has placed a heavy reliance on an order dated 10.10.2009, passed by the Assistant Settlement Officer, Darbhanga in a proceeding under Section 106 of the Bihar Tenancy Act, 1885 (for short ‘the Act of 1885’) and with reference to the said order it has been argued that there was discrepancy in the entry in revisional survey records of right, which has been ordered to be corrected by the said order. Previously, the land, which is the subject-matter of the dispute, was shown as Anabad Bihar Sarkar in the revisional survey records of right, which has now been directed by the said order dated 16.10.2009 to be treated as the petitioner’s land and necessary corrections in the revisional survey records of right has been ordered. It is the petitioner’s grievance that the said *raiya* land of the petitioner is being declared as *Sairat* and is



going to be settled.

The petitioner could have raised the grievance of this nature before the Public Grievance Redressal Officer under the Bihar Right to Public Grievance Redressal Act, 2015 (for short 'the Act of 2015').

This writ application is, thus, disposed of with the observation that the petitioner shall be at liberty to approach the Public Grievance Redressal Officer, by making an application, in accordance with the provisions made in the Act of 2015.

Learned counsel for the petitioner has submitted that the petitioner needs an interim protection, inasmuch the petitioner's land is going to be settled by the District Fisheries Officer. The Public Grievance Redressal Officer shall be required to consider the question of granting interim relief, if any such prayer is made by the petitioner.

It is needless to say that the Public Grievance Redressal Officer shall conclude the proceeding within the statutory time, as prescribed under the Act of 2015.

(Chakradhari Sharan Singh, J)

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