

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12565 of 2019

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1. Sri Sri 108 Ram Jee through Shebait Baidyanath Mallick aged about 68 years (M), son of Late Mahabir Mallick resident of Village Mahinam Patti, Mahinam Bazar, Bahera Bazar, P.S. Bahera, District- Darbhanga.
 2. Sri Laxman Jee Through Shebait Baidyanath Mallick aged about 68 years (M), son of Late Mahabir Mallick resident of Village Mahinam Patti, Mahinam Bazar, Bahera Bazar, P.S. Bahera, District- Darbhanga.
 3. Sri Janki Jee Through Shebait Baidyanath Mallick aged about 68 years (M), son of Late Mahabir Mallick resident of Village Mahinam Patti, Mahinam Bazar, Bahera Bazar, P.S. Bahera, District- Darbhanga.
 4. Hanuman Jee Through Shebait Baidyanath Mallick aged about 68 years (M), son of Late Mahabir Mallick resident of Village Mahinam Patti, Mahinam Bazar, Bahera Bazar, P.S. Bahera, District- Darbhanga.
 5. Baidyanath Mallick Son of Late Mahabir Mallick Resident of Village Mahinam Patti, Mahinam Bazar, Bahera Bazar, P.S. Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through its Collector-Cum- District Magistrate, Darbhanga.
2. Inspector General of Police Darbhanga Range, Darbhanga.
3. Sub- Divisional Police Officer Benipur, Darbhanga.
4. Officer Incharge P.S.- Bahera, Benipur, Darbhanga.
5. Senior Superintendent of Police Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs.Shama Sinha
For the Respondent/s : Mr.Sheo Shankar Prasad (Sc8)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-06-2019 Delayed removal of the defects has been treated to be valid.

Following is the relief, which the petitioners are seeking:-

“i) To issue an appropriate



writ/order/direction in the nature of mandamus commanding the Respondents to get the encroachments from the plots of the petitioners bearing details in para no.4 removed as the said encroachments were facilitated by Respondent No.4 who had the statutory duty of protecting life and property of the petitioners.

ii) To issue an appropriate writ/order/direction in the nature of Mandamus commanding the respondents to take appropriate action against the erring officer who had responsibility of protecting life and property of the petitioners but instead of performing their statutory dues they willfully allowed the anti social elements to violate law.”

It has been stated that petitioner Nos. 1,2,3 and 4 are *deities* and are being represented through *Shebait*. The petitioner No.5 is a citizen of India, who is *Shebait* also.

In my opinion, since the petitioners have alternative statutory remedy under the Bihar Right to Public Grievance Redressal Act, 2015, in case there is no dispute in respect of title and possession over the land in question, the same could have been invoked by them.

This application is thus, disposed of with a liberty to



the petitioners to take recourse to appropriate provisions under the Act or the Rules before the Public Grievance Redressal Officer.

It is made clear that the petitioners shall be at liberty to take recourse in other provisions of law for redressal of their grievance, if the same is found to be permissible in law.

This disposes of the application.

(Chakradhari Sharan Singh, J)

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