

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15396 of 2018

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Mahanth Ramjeevan Das Chela of Late Mahanth Sahajanand of Gyan Briksha Ashram, R/o Vill.- Jagdishpur, P.O. and P.S.- Jagdishpur, District- Bhojpur Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Bhojpur, District- Bhojpur Bihar.
3. The Sub Divisional Officer, Jagdishpur, District- Bhojpur Bihar.
4. The Circle Officer, Jagdishpur, District- Bhojpur Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey
For the Respondent/s : Mr.Rishi Raj Sinha -SC-19

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 23-04-2019 Heard learned counsel for the parties

2. It is the grievance of the petitioner that certain *raiya* lands belonging to *Gyan Briksha Ashram* of Village Jagdishpur in the District of Bhojpur has been encroached upon by unidentified persons. The petitioner claims to be the *Chela* of Late Mahanth Sahajanand of said *Gyan Briksha Ashram*.

3. On perusal of the pleadings on record, it transpires that it is the petitioner's case that the persons, who have encroached upon the land belong to *Nat* community. It has been asserted in the writ application that the land revenue is being paid regularly and the petitioner is in possession of land receipts and despite having represented the authorities, the encroachment



has so far not been removed. It also transpires that the petitioner had approached the Bihar Public Grievance Redressal Officer under the Bihar Public Grievance Redressal Act, 2015. His application has been rejected on the ground that the petitioner should approach the competent Court for restoration of his possession. His appeal has also been dismissed on the said ground. The petitioner appears to have approached the District Magistrate, Ara for removal of the encroachment.

4. The petitioner's representation before the Collector is pending since 2018. From the orders passed by the authorities under Right to Public Grievance Act, 2015, I find that the petitioner's plea has been turned down only on the ground that the petitioner is claiming the land to be *raiyati* owned by *Gyan Briksha Ashram*, which could be decided by a competent Court of civil jurisdiction only. The question of adjudication by a competent Court would arise only if there is dispute. If the persons, who have occupied the land in dispute, claim their title and rightful possession over the land in question, adjudication by a civil Court may be required. The petitioner's application could not have been turned down by the Public Grievance Redressal Officer and the appellate authority under Bihar Right to Public Grievance Redressal Act, 2015



without recording existence of a *bona fide* dispute over title and possession.

5. In my opinion, orders dated 21.02.2018 and 11.05.2018 cannot be sustained and are accordingly, set aside.

6. The Sub-Divisional Grievance Redressal Authority is directed to consider the claim of the petitioner afresh. If any valid objection is raised on behalf of the persons, who are occupying the land on the basis of their entitlement to own and possess the said land, the petitioner can be relegated to the Court of competent jurisdiction. The decision must be taken by the Grievance Redressal Officer within a period of three months from the date of receipt/production of a copy of this order.

7. This application is allowed accordingly.

(Chakradhari Sharan Singh, J)

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