

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12519 of 2019

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Ramchander Yadav, aged about 64 years, Male, Son of Ramrachi Yadav, R/o
Village-Dinmo, P.S.-Kusheswarasthan, District-Darbhanga

... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform, Government of Bihar, Old Secretariat, Bailey Road, Patna
2. The Commissioner Darbhanga Division at Darbhanga
3. The District Magistrate, Darbhanga
4. Deputy Collector Land Reform (DCLR), Biroul, Darbhanga
5. The Sub-Divisional Public Grievance Redressal Officer, Biroul, Darbhanga
6. The Circle Officer (CO) Kusheswarasthan, Darbhanga

... Respondents

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Appearance :

For the Petitioner : Mr. Bipin Bihari Singh, Adv.

For the Respondents : Mr. Birendra Prasad Singh, AC to SC XIX

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-07-2019 This writ application has been filed against the order, dated 04.05.2019, passed by the Sub Divisional Public Grievance Redressal Officer, Biroul, Darbhanga, under the Bihar Right to Public Grievance Redressal Act, whereby he has directed the Circle Officer to take final decision in Eviction Suit No. 1 of 2019 for eviction of the petitioner from the land in question.

It is the petitioner's case that the said order has been passed without considering the order, dated 19.01.2019, passed by the Deputy Collector, Land Reforms, Biroul, Darbhanga, in



BLDR Case No. 174 of 2011-12 whereunder Deputy Collector, Land Reforms, has recorded specific and categorical finding that the land in question involves complicated question of title and should be decided by a competent Civil Court.

It appears from the records that the Eviction Case No. 1 of 2019 is pending before the Circle Officer at the instance of one Pradeep Mochhi in whose favour it is said, purcha has been issued under the Bihar Bhoodan Yag Act. Apprehending his eviction from the land in question Pradeep Mochhi appears to have filed the Eviction Case No. 1 of 2019 before the Circle Officer. There was another application filed under the provisions of the Bihar Right to Public Grievance Redressal Act giving rise to BLDR Case No. 174 of 2011-12, which has been disposed of by the Deputy Collector, Land Reforms, with the observation that since the matter involves complicated question of title, the parties may approach competent Court of civil jurisdiction. The said decision of the Deputy Collector, Land Reforms, has been affirmed by the appellate authority.

It appears that in the meanwhile, since the application of said Pradeep Mochhi filed before the Circle Officer against threatened eviction was not being expedited, he approached the Public Grievance Redressal Officer by making an application,



which has been disposed of by the impugned order.

Learned counsel appearing for the petitioner has submitted that once an order was passed under the Bihar Right to Public Grievance Redressal Act holding that in the light of the disputed question of fact the parties should approach competent Court of civil jurisdiction, the Public Grievance Redressal Officer ought not to have passed the impugned order.

The said submission can not be accepted for the clear reason that a proceeding before Circle Officer against threatened eviction is different from a proceeding initiated under the provisions of Bihar Dispute Resolution Act. The petition filed by the purcha holder under the Bhoodan Yag Act, namely, Pradeep Mochhi was required to be considered and disposed of on the basis of its own merit. Any order passed under the Bihar Dispute Resolution Act would not have affected the proceeding before the Circle Officer against the threatened eviction. It is in this background, the Public Grievance Redressal Officer directed the Circle Officer to dispose of the eviction case.

I am also of the view that if at all the petitioner has any grievance against the order, impugned, he could have preferred appeal under the Act which has not done.

In view of the above, the application is disposed of



with the observation that the petitioner shall have liberty to approach the appropriate forum for redressal of his grievance.

(Chakradhari Sharan Singh, J)

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