

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19946 of 2019

-
1. Mahendra Das, son of Late Bullak Das, resident of village- Maura Tola, Kabiya, Ward no. 15, P.s. Shankarpur, Block- Shankarpur, District- Madhepura.
 2. Kailash Das, son of Late Bullak Das, resident of village- Maura Tola, Kabiya, Ward no. 15, P.s. Shankarpur, Block- Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Govt. of Bihar.
2. Divisional Commissioner, Kosi Division, Saharsa.
3. The Divisional Commissioner, Kosi Division, Saharsa.
4. The District Public Grievance Redressal Officer, Madhepura.
5. The Sub Divisional Public Grievance Redressal Officer, Madhepura.
6. The Circle Officer, Shankarpur Block, District- Madhepura.
7. Vijay Yadav, S/o Late Kamleshwari Yadav, resident of village Maura Tola, Kabiya, Ward no. 15, P.s. and Block and Anchal- Shankarpur, District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh
For the Respondent/s : Mr. Md. Khursid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-09-2019 Heard both sides.

The petitioners filed this writ petition for quashing the order dated 15.07.2019 passed in Nirgat Sankhyan-41111-08367 by the District Magistrate-cum- 2nd Appellate Authority, Madhepura, the order dated 10.06.2019 passed by Additional Collector-cum- 1st Appellate Authority, Madhepura, for quashing the order dated 08.04.2019 passed in Complaint Case No. 511210107121802805 by the Sub divisional Public Grievance Redressal Officer, Madhepura, for issuing direction upon the



respondents not to disturb the possession of the petitioners over the disputed land and for directing the Circle Officer to demarcate the land of the petitioners.

The admitted facts are that the petitioners filed petition before the Circle Officer for demarcation of land of plot No. 4862 (old) 10503 (new) area 10 Katha. The father of petitioners executed a deed of mortgage for ten Katha of land in favour of Bindeshwari Mandal in the year 1973. It is also admitted that on 05.01.1976 the father of the petitioners executed sale deed for six Katha of land for payment of the mortgage amount and remaining four Katha of land as claimed by the petitioners came in possession of the father of the petitioners. Respondent No.7, Vijay Yadav, created problem in peaceful possession of the land of the petitioners. The petitioners filed petition before the Circle Officer but the Circle Officer did not demarcate the land. Against the inaction of the Circle Officer, the petitioners filed petition before respondent No.5, the Sub divisional Public Grievance Redressal Officer, Madhepura who disposed of the petition of the petitioners with liberty to file appeal before the 1st appellate authority but the 1st appellate authority and 2nd appellate authority dismissed the appeal of the petitioners on the ground that the dispute is between two persons with regard to possession of the land and the same cannot be resolved under Bihar Public Grievance Redressal Act.

The learned counsel for the petitioners submits that the dispute is not between two private persons and the petitioners filed petition for demarcation of land. The respondent No.7 is not descendant of Bindeshwari Mandal in whose favour father of the petitioners executed mortgage deed



with regard to 10 Katha of land and thereafter father of the petitioners executed sale deed for six Katha of land for payment of mortgage amount and remaining 4 Katha of land came in possession of the father of the petitioners and, therefore, the orders of 1st appellate authority and 2nd appellate authority are illegal but I do not find any force in the submission of the learned counsel for the petitioners. The Additional Collector and the Collector held that the dispute is between two private persons with regard to possession of the land and the same cannot be redressed under the Bihar Public Grievance Redressal Act. The dispute is of civil nature with regard to possession of the land and that can only be redressed in proper suit.

Having considered the facts aforesaid, I find no merit in this writ petition and the same is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

BKS/-

U			
---	--	--	--

