

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15825 of 2018

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Mahanthi Sah S/o Late Sundar Sah resident of Village- Telwa Tola Maheshpur
P.S.- Mahishi District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. District Magistrate cum Collector, Saharsa.
3. Circle Officer Mahishi Saharsa.
4. Jagdish Ram
5. Anandi Ram
6. Rajkumar Ram
7. Anirudh Ram all sons of Ramji Ram resident of Village- Maheshpur P.S.-
Mahishi District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh
For the Respondent/s : Mr.Md.Khurshid Alam -AAG-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-04-2019 Heard learned counsel for the parties.

2. The petitioner is aggrieved by an interim order passed by the District Magistrate, Saharsa-cum-Second Appellate Authority under Bihar Right to Public Grievance Redressal Act, 2015. The appeal is pending against the order of the Additional Collector, Saharsa passed in the first appeal.

3. Learned counsel appearing on behalf of the petitioner has submitted that the order of the Additional Collector, clearly discloses that *Basgit parcha* was illegally issued in favour of private respondent Nos. 4 to 7. The



Collector without reversing the finding of the first appellate authority is, however, proceeding to act upon the *Basgit Parcha* issued in their favour.

4. On perusal of the order dated 07.06.2017 and other orders which are there on record, it can be easily noticed that second appeal before the District Magistrate, Saharsa is still pending.

5. The petitioner has thus, a genuine grievance without considering the merits of the appeal, in the guise of 'interim order', the appellate authority should not have proceeded to act upon the *Basgit Parcha*.

6. Considering the circumstance that the Collector, Saharsa is yet to take final decision on the second appeal pending before him, he is directed to dispose of the said appeal, within three months from the date of receipt/production of a copy of this order.

7. Till the appeal is finally disposed of by the Collector, the parties shall maintain status-quo. Irrespective of the outcome of the appeal pending before the Collector, Saharsa, it is directed that if there are materials to suggest that private respondents are privileged persons, deserving protection under the provisions of Bihar Privileged Persons Homestead Tenancy



Act, he shall be obliged to take steps for their rehabilitation under the provisions of the Act.

8. The petitioner shall be at liberty to adduce evidence in support of his case.

9. This application is accordingly disposed of with the aforesaid observations and directions.

(Chakradhari Sharan Singh, J)

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