

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3977 of 2019

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The Project Director, National Highways Authority of India Patna Project Implementation Unit, D-63, Rajesh Kumar Path, Sri Krishna Puri, PS SK Puri, District Patna namely Col. Ajay Thakur, aged 48 years, Male, S/o M R Thakur resident of Danapur Cantonment, P.S. Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division.
4. The District Public Grievance Redressal Officer Nalanda.
5. Chandrika Prasad S/o Late Visheshwar Prasad Resident of Village-Nakatpura, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanat Kumar Mishra, Adv.
For the Respondent/s	:	Mr.Shaialesh Kumar, Adv.
For the Respondent No.5 :		Mr. M.P. Bhartee, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-06-2022 The present writ petition has been filed for setting aside the order dated 06.12. 2018 passed by the Respondent No. 4 whereby and whereunder the respondent authority has recommended for imposition of penalty against the petitioner as also for setting aside the proceedings pending before the Respondent No.3 i.e. the Divisional Commissioner, Patna Division by way of an appeal bearing RTPGR Appeal no. 4271101160718020886/1A.

At the outset, the learned counsel for the parties



including the private respondent no. 5 are in agreement that National Highways authority of India does not come within the meaning of Public Authority as defined under Section 2(e) of the Bihar Right to Public Grievance Redressal Act, 2015, hence the complaint/ Appeal filed by the Respondent No. 5 is not maintainable before the appropriate authorities under the Bihar Right to Public Grievance Redressal Act, 2015.

Having regard to the facts and circumstances of the case and for the reason mentioned herein above, the order dated 06.12.2018 passed by the Respondent no. 4 in RTPGR Case No. 427110116071802086 as also the appellate proceeding by way of appeal bearing RTPGR Appeal No.427110116071802086/ 1A, pending before the Divisional Commissioner, Patna are quashed and the respondents no. 3 and 4 are warned to be careful in future while undertaking such proceedings against such authorities, which are not public authorities within the meaning of section 2(e) of the Bihar Right to Public Grievance Redressal Act, 2015.

At this juncture, the learned counsel for the private Respondent no. 5 seeks liberty to approach the appropriate forum for the purposes of redressal of his grievances regarding his land being usurped by the respondent authorities without any



valid acquisition. Liberty so sought is granted.

It is needless to state that the question of limitation, if any, would not stand in the way of private respondent No. 5, in case he approaches the appropriate authority/ forum for redressal of his grievances within a period of six weeks from today in as much as he had pursued an ill advised remedy.

The present writ petition stands allowed on the aforesaid terms.

(Mohit Kumar Shah, J)

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