

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14443 of 2021

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Rabindra Kumar Srivastava, Son of Late Jagat Naryan Prasad, Resident of
Village - Jaisingpur, P.S. - Turkaulia, District - East Champaran, Motihari.

... .. Petitioner

Versus

1. The State of Bihar, through the Collector of the district East Champaran, Motihari.
2. The Additional Collector, East Champaran, Motihari.
3. The District Fishery Officer, Motihari East Champaran.
4. The Superintendent of Police, East Champaran, Motihari.
5. The Officer in Charge of Turkaulia Police Station East Champaran, Motihari.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19
		Mr. Manoj Kumar Sinha, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-10-2023 Heard learned counsel for the parties.

2. This writ application has been filed for the
following reliefs:

“1. To issue rule in the nature of certiorary to quash the order passed by the Additional Collector, Motihari, by which a direction has been given to the Circle Officer to bring proposal for cancellation of Jamabandi No. 1826/149 in respect of land of the petitioner appertaining to Khata No. 814 Khesra 3549 area 11.k.16 dhurs mauza Jaisinghpur, P.S- Turkaulia, District- East Champaran Motihari, running in the name of Jagat Naryan Prasad, father of the petitioner.



II. To issue rule in the nature of mandamus commanding the respondent district authorities to give protection from fishing from the Land and Pokhar of the petitioner covering an area of 11k.16 dhurs of plot No. 3549, specially when the settlement of Pokhar of plot No. 3542 made by the state government.”

3. At the very outset, learned counsel for the State raises preliminary objection to the effect that an alternative remedy is available to the petitioner by way of Revision under Section 9 of the Bihar Right to Public Grievance Redressal Act, 2015 which reads as:

“The Public Grievance Redressal Officer or any other public authority or first appellate authority aggrieved by an order of the second appellate authority in respect of imposing of penalty under this Act, may make an application for revision of the order to the officer or authority nominated by the State Government within a period of sixty days from the date of that order. The nominated officer or authority shall dispose of the application in accordance with the prescribed procedure:

Provided that the officer or authority nominated by the State Government may entertain an application after the expiry of the period of sixty days but not exceeding seventy five days, if he is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.”



4. Learned counsel for the petitioner does not dispute the above proposition.

5. In view of the aforesaid submission, let the petitioner file afresh application before the competent authority for adjudication of the matter, within a period of six weeks from the date of production/receipt of copy of this order.

6. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

7. Writ petition stands disposed of with the aforesaid directions.

(Prabhat Kumar Singh, J)

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