

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.573 of 2024

1. Chandan Kumar S/o- Sri Arun Kumar Singh, R/o- Chitranjan Road, Ward no.8, Lakhisarai.
2. Archana Singh, W/o- Ashok Kumar, R/o- Chitranjan Road, Purani Bazar, Ward No.9, Lakhisarai
3. Rajeev Kumar, S/o- late Kapildeo Prasad, R/o Purani Bazar, Ward No.9, Chitranjan Road, Lakhisarai
4. Manikant Niloo, S/o Late Nandlal Shah, R/o- Purani Bazar, Chitranjan Road, Lakhisarai.
5. Manoj Kumar Singh, S/o- Late Bhuwaneshwar Singh, R/o- Vill- Purani Bazar, Chitranjan Road, Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Urban Development Department, Government of Bihar.
2. Additional Chief Secretary Urban Development Department, Government of Bihar
3. District Magistrate, Lakhisarai cum 2nd Appellate Tribunal
4. Public Grievance Officer-cum-Sub Divisional Officer, Lakhisarai, Sub division- Lakhisarai, District- Lakhisarai
5. Executive Officer, Nagar Parishad, Lakhisarai.
6. Anchal Adhikari, Lakhisarai
7. Sanjay Kumar Prajapati, S/o- Saudagar Pandit, R/o- vill- Dharamrai Chak 06, P.O., P.S. and District- Lakhisarai, Pin- 811311, Mob no.- 7209205719
8. Sri Jitendra Kumar, Junior Engineer, Nagar Parishad, Lakhisarai, mob no.- 7549582453
9. Officer In-charge, Lakhisarai Police Station, District- Lakhisarai

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shrinandan Prasad Singh, Sr. Advocate Mr. Kumar Sameer, Advocate Mr. Gaurav Kumar, Advocate
For the State	:	Standing Counsel 8
For respondent no.5	:	Mr. Atul Shankar, Advocate
For respondent	:	Mr. Madan Prasad Singh No.2, Advocate Mr. Dharmendra Kumar Raju, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 21-10-2024

The present writ petition has been filed for quashing



the order dated 19.12.2023, passed by the District Magistrate, Lakhisarai-cum-2nd Appellate Tribunal, in Case No.9999901020523380550/2A, under the provisions of the Bihar Right to Public Grievance Redressal Act, 2015.

2. The learned Senior Counsel for the petitioners has submitted that the authorities under the Bihar Right to Public Grievance Redressal Act, 2015 have got no jurisdiction to entertain complaint pertaining to encroachment of public land and issue directions with regard to the same. The law in this regard is no longer *res integra*, inasmuch as this Court, by a judgment reported in **(2020) 4 PLJR 103 (Dhiraj Kumar vs. State of Bihar & Ors.)**, has held in paragraph no.8 thereof as follows:-

“8. A bare perusal of the aforesaid definition of "complaint" would show that the authorities/Appellate Authority under the Bihar Right to Public Grievance Redressal, Act, 2015 are not empowered to entertain any complaint pertaining to encroachment made over the public/Government land, inasmuch as the same is governed by the provisions of the Bihar Public Land Encroachment Act, 1956, hence to the said extent, this Court finds that the learned counsel for the State has made an incorrect submission, hence the said submission of the learned counsel for the State is being noted only for the purposes of being rejected”



3. *Per contra*, the learned counsels appearing for the respondent-State, respondent no.5, i.e. the Executive Officer, Nagar Parishad, Lakhisarai as also the private respondent no.7, jointly submit that notices were issued to the petitioners by the respondent no.5, in exercise of powers conferred upon him under amended Section 435 of the Municipal Act, 2007.

4. Nonetheless, the learned Senior Counsel for the petitioners submits that though none of the said notices have been received by the petitioners, but still the petitioners are ready to face the proceedings, in case the same is initiated in accordance with law.

5. Having regard to the facts and circumstances of the case and with a view to give a quietus to the issue under consideration, this Court deems it fit and proper to quash the order dated 19.12.2023, passed by the District Magistrate, Lakhisarai-cum-2nd Appellate Tribunal, being unsustainable in the eyes of law, in view of the law laid down by this Court in the case of ***Dhiraj Kumar*** (supra), however grants liberty to the respondent no.5, i.e. the Executive Officer, Nagar Parishad, Lakhisarai to initiate appropriate proceedings, in accordance with law, if so warranted, issue notices to the affected parties, seek their objections and then pass the final order, in accordance



with law.

6. The writ petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

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