

(2020) 01 PAT CK 0032

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 58 Of 2020

Ram Padarath Yadav

APPELLANT

Vs

State Of Bihar Through And Ors

RESPONDENT

Date of Decision : 13-01-2020

Acts Referred:

Bihar Right To Public Grievance Redressal Act, 2015 — Section 7

Citation : (2020) 01 PAT CK 0032

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Umesh Kumar, Rakesh Kumar Shrivastava

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned AC to GP 15 for the State.

2. The petitioner has moved the Court for the following reliefs:

"i) For issuance of writ in the nature of Certiorari or any other appropriate writ to quash the order dated 07.02.2018 passed in Complaint Case No. 520310125111700738 by the respondent no. 3 whereby the Authorities have been directed to ensure the possession of the land pertaining to Khata No. 160, Plot No. 1816, Area 66 Decimal to the respondent No. 6 namely Chhathu Paswan as the said land was obtained by Kumiya Devi, the mother of the respondent no. 6 by way of settlement in Case No. 31 dated 29.01.1988.

ii) For issuance of writ in the nature of Mandamus or any other appropriate writ commanding the respondents to construct the boundary upon the aforesaid land pertaining to Khata No. 230, Plot No. 1816, Area 17 Katha 15 Dhur as the said land was handed over to Madhymik Vidyalay, Rajaur vide Deed of Gift bearing Registration No. 15866 dated 02.09.1970 by the original landlords namely Rameshwar Prasad Singh @ Ram Tanik Prasad Singh.

iii) For issuance of writ in the nature of Mandamus or any other appropriate writ

commanding the respondents for cancellation of Purga issued to the mother of respondent No. 6 namely Kumiya Devi in Land Ceiling Case No. 10/1988-87 with regard to the land of Madhymit Vidyalay, Rajaur.

iv) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case."

3. The petitioner is aggrieved by the fact that the land in question was already gifted to the Madhymik Vidyalay, Rajaur by registered gift deed no. 15866 dated 02.09.1970. It was submitted that even rent receipt has been issued till 2017-18. Learned counsel submitted that without any justification and patently illegally, the land in question was thereafter said to have been settled in favour of Kumiya Devi, who is the mother of the respondent no. 6, by way of Settlement in Case No. 31 dated 29.01.1988. Learned counsel submitted that the petitioner, who was the then Secretary of the School in question, along with many villagers have filed a representation before the Circle Officer, Gadhpura for cancellation of the settlement made in favour of the mother of the respondent no. 6, on the ground that it could not have been done once the same was gifted by the original landlord, much prior, in favour of the school. It was submitted that the order impugned by the Sub Divisional Public Grievance Redressal Officer, Bakhri dated 07.02.2018, relying only on the subsequent settlement for delivering of possession of the land in question in favour of respondent no. 6, is thus, unsustainable in law.

4. Learned counsel for the State submitted that any person who is aggrieved by the decision of the Public Grievance Redressal Officer has a right to appeal under Section 7 of the Bihar Right to Public Grievance Redressal Act, 2015 (hereinafter referred to as the 'Act'). It was, thus, submitted that the petitioner may also avail of such statutory remedy.

5. Learned counsel for the appellant submitted that there is statutory period for filing such appeal which has already expired.

6. Having considered the facts and circumstances of the case and taking into view the fact that this is a public cause where the land which was gifted to the school by the ex-landlord has subsequently been settled with a private person, the Court deems it appropriate to permit the petitioner to avail of the statutory remedy of appeal under the Act by condoning the delay for filing such appeal.

7. Accordingly, the writ petition stands disposed off with liberty to the petitioner, especially the present Managing Committee of the school to file appeal under Section 7 of the Act. If the same is done within three weeks from today, the appellate authority under the Act shall consider the same on merits, and take the proceeding to its logical conclusion, in accordance with law, after giving full opportunity to all concerned, expeditiously and latest within a period of three months from the date of filing such appeal.