

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6198 of 2024

Dr. Dev Narayan Jha son of Hardish Jha, Resident of Nanak Gas Godam ke Piche, Chhapaki Parri, P.O.-Laxminagar, P.S.-Padri, District- Darbhanga, Pin Code-846009.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Panchayati Raj Department, Bihar, Patna.
2. Divisional Commissioner, Tirhut Division, Muzaffarpur
3. The District Magistrate, Sitamarhi
4. The Additional Collector, Sitamarhi
5. Sub Divisional Public Grievance Redressal Officer, Sitamarhi
6. The Block Panchayati Raj Officer, Riga, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate
For the Respondent/s : Mr. Standing Counsel 7

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL JUDGMENT

Date : 18-09-2026

Heard learned counsel for the petitioner and the learned counsel for the State.

2. The present writ petition has been filed with the following reliefs:

"(i) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the order dated 02/05/2023 passed by the Reviewing Authority-cum-Divisional Commissioner, Tirhut Division, Muzaffarpur, by which the review



petition filed by the petitioner against the order dated 09/02/2023 passed in Appeal Case No. 504118029062201776/2A by the District Magistrate, Sitamarhi has been rejected;

(ii) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the order dated 25/02/2023 passed by the District Magistrate-cum-Second Appellate Authority, Sitamarhi, by which the appeal preferred by the petitioner against the order dated 20/09/2022 passed by the Sub Divisional Officer, Sitamarhi Sadar, Sitamarhi has been rejected while passing unwarranted and personal uncharitable remarks against the petitioner without there being any just and valid basis in respect thereof and solely on account of prejudice and preconceived notions on the part of the District Magistrate, Sitamarhi without there being any just and valid basis for the same;

(iii) Issuance of a declaration holding that the action on the part of the District Magistrate, Sitamarhi in passing uncharitable and



unwarranted remarks against the petitioner without there being any just and valid basis was clearly impermissible in the eyes of law and as such, the remarks so made required to be expunged from the order sheet dated 25/02/2023 containing the order of the District Magistrate, Sitamarhi in the connected matter, i.e. Appeal Case No. 504118029062201776/2A;

(iv) Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case."

3. The case of the petitioner is that a drain constructed under a Government scheme in his village got clogged, resulting in seepage of water from the drain into his agricultural land and causing hindrance to farming operations thereon. On the basis of a complaint filed by the petitioner, the Block Development Officer, Riga submitted a report dated 28/07/2022 before the Sub Divisional Public Grievance Redressal Officer, Sitamarhi Sadar, pointing out certain defects and deficiencies in the drain. Thereafter, a further report dated 29/08/2022 was submitted stating that earlier, with the agreement of the petitioner, the drainage water was allowed to



flow into his land, but the petitioner subsequently stopped the same, resulting in no passage of water through the drain. By another letter dated 29/08/2022, it was reported that there was no flow of water in the drain, which, according to the petitioner, corroborated his assertions regarding seepage. The petitioner also submitted a representation dated 12/09/2022 seeking inspection of the drain and raising his grievance regarding losses on account of seepage. On the basis of the said complaint, the Sub Divisional Public Grievance Redressal Officer, Sitamarhi Sadar, by order dated 20/09/2022, directed the Block Development Officer, Riga to repair the drain so that water could flow to the earmarked government spot, and the case was accordingly concluded. Aggrieved, the petitioner preferred an appeal dated 18/11/2022 before the Additional Collector, Sitamarhi-cum-First Appellate Authority, which came to be dismissed by an order holding that it was on account of some land-related dispute that the drain was not operational. The petitioner thereafter preferred a second appeal before the District Magistrate-cum-Second Appellate Authority, Sitamarhi, which was dismissed by order dated 25/02/2023, whereby, without any just and valid basis, it was recorded that the petitioner, as complainant, appeared to have a mentality to



harass persons belonging to the SC/ST communities residing in the neighborhood, and the Sub Divisional Officer, Sitamarhi Sadar was directed to enquire into the matter and submit a report. Aggrieved by the said uncharitable remarks, the petitioner preferred a review petition before the Divisional Commissioner, Tirhut Division, Muzaffarpur, which came to be rejected by order dated 02/05/2023 on the ground that there is no provision for review under the Right to Public Grievance Redressal Act. Hence, the present writ petition.

4. Learned counsel for the petitioner submitted that the action of the District Magistrate-cum-Second Appellate Authority, Sitamarhi, in passing uncharitable and unwarranted remarks against the petitioner, branding him as a person harbouring a mentality to harass members of the SC/ST community, was made without there being any just and valid basis in respect thereof and solely on account of prejudice and preconceived notions, and clearly amounts to abuse of power. It was also submitted that the petitioner is a law-abiding citizen and a renowned and well-respected scholar of Sanskrit, who has also held the office of Vice-Chancellor of a State University, and that such remarks, without any foundation, lower his reputation and social standing in society and are stigmatic in nature.



5. Learned counsel for the petitioner further submitted that despite several reports submitted by the Block Development Officer, Riga clearly indicating that there was no flow of water through the drain, no appropriate direction was passed by the authorities concerned to redress the grievance of the petitioner, and that the order dated 25/02/2023 passed by the District Magistrate-cum-Second Appellate Authority is completely untenable in the eyes of law in so far as it relates to personal remarks and aspersions cast upon the character and conduct of the petitioner.

6. Learned counsel for the State/Respondent No. 3 submitted that the First Appellate Authority, in its order, and the Second Appellate Authority, in its order dated 25.02.2023, had, upon analyzing the complaint, found that the petitioner has a private farm situated in the northern part adjacent to the drain, where no dirty water was being discharged by breaking the drain, as claimed by the petitioner, and that the allegations made by the petitioner were baseless and not true. It was further submitted that in compliance with the order dated 01.07.2024 of this Hon'ble Court directing the District Magistrate, Sitamarhi to enquire into the matter and file a wholesome counter affidavit, the District Magistrate directed the Circle Officer, Riga and the



Block Development Officer, Riga to investigate the matter and file a joint report, which was submitted on 22.07.2024, and it was found therein that the drain was dry with no water flow, that some poor families from the deprived community residing at one end of the drain brought water for daily consumption from other places and that there was no such source from which continuous flow of water could be taking place on the land of the petitioner, and that no water-logging was visible on the petitioner's land during physical verification and inquiry from local persons.

7. Learned counsel for the State/Respondent No. 3 further submitted that the remarks made by the District Magistrate, Sitamarhi in the order dated 25.02.2023 are protected under Section 10 of the Bihar Public Grievance Redressal Act, 2015, which provides that no suit, prosecution or other legal proceedings shall lie against any person for anything done or intended to be done in good faith under the said Act or the rules made thereunder. It was further submitted that the Divisional Commissioner, Tirhut Division, Muzaffarpur, while rejecting the review petition of the petitioner vide order dated 02.05.2023, had rightly held that Section 9 of the Bihar Public Grievance Redressal Act, 2015 limits the power of review of the



Revisional Authority.

8. Having heard the parties, perused the records, and in view of the report of the concerned authority stating that no waterlogging was visible on the petitioner's land during the physical verification and inquiry from local residents, this Court is not inclined to interfere with the impugned orders. However, the uncharitable and unwarranted comments made by the District Magistrate require serious consideration, as they impact an individual's reputation.

9. It is necessary to emphasize that quasi-judicial authorities must decide cases based strictly on facts and law, personal remarks, insults, or biased observations violate the core principle of a fair and objective hearing. The scope of a quasi-judicial body is limited to resolving the specific dispute before it; commenting on the personal character, morality or background of a litigant, unrelated to legal merits is an abuse of power. Superior Courts have repeatedly held that lower Courts, tribunals, and quasi-judicial authorities must use sober, temperate, and respectful language.

10. In *A.M. Mathur v/s Pramod Kumar Gupta* reported in [(1990) 2 SCC 533], the Hon'ble Apex Court



observed that judicial restraint and discipline are as necessary to the orderly administration of justice as they are to the effectiveness of the army. The Court highlighted that Judges and quasi-judicial authorities must use temperate language and focus strictly on the merits of the case rather than attacking personal character.

11. The sanctity of one's reputation has long been recognized in various literary works. The famous passage from *William Shakespeare's Othello (Act 3, Scene 3)*, is worth mentioning here.

"Good name in man and woman, dear my lord,

Is the immediate jewel of their souls.

Who steals my purse steals trash; 'tis something, nothing;

'Twas mine, 'tis his, and has been slave to thousands;

But he that filches from me my good name

Robs me of that which not enriches him

And makes me poor indeed."

The crux of the passage is, that a person's good reputation is their most valuable possession. While money and material



wealth are trivial, fleeting, and easily replaced, a good reputation is priceless. Destroying someone's name does not benefit the slander, yet it leaves the victim completely ruined.

12. As such, a quasi-judicial authority is not expected to make passing references to matters outside the record or irrelevant to the adjudication. The uncharitable and unwarranted comments made by the District Magistrate, Sitamarhi against the petitioner, who happens to be a Sanskrit scholar, need to be reprimanded. The order dated 25.02.2023 of the District Magistrate-Cum-Second Appellate Authority under Bihar Public Grievance Redressal Act, 2015 Sitamarhi is expunged to the extent it makes personal aspersions against the petitioner.

13. With the aforesaid view, the present writ petition is disposed of.

(Alok Kumar, J)

Bipin/-

AFR/NAFR	NAFR
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