

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6148 of 2012

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Kameshwar Tiwary Son Of Late Jagdish Tiwary Resident Of Village-Tiwaridih (M), Belawan, Police-Station-Sasaram Muffasil, District-Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Rohtas At Sasaram
3. The Sub-Divisional Magistrate, Sasaram, District-Rohtas
4. The Anchal Adhikari, Sasaram, District-Rohtas
5. Lakshmi Narayan Tiwary Son Of Late Jag Ropan Tiwary Resident Of Village-Tiwaridih, P.O. Belawan, Police-Station-Sasaram Muffasil, District-Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Damodar Prasad Tiwary

For the Respondent/s : Mr. Avnish Nandan Sinha Gp11

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 06-10-2015 Heard counsel for the petitioner and the State.

The petitioner is the first party to a proceeding under section 133 Cr.P.C. vide Case No. 1298 of 2002. The Sub-Divisional Officer passed an order on 12.02.2010 disposing of the said proceeding. On perusal thereof, it appears that the Circle Officer, Sasaram was directed to clear the chocked drain near the house of the petitioner. The grievance of the petitioner is that the said order has not been carried out. The petitioner made diverse representation before the superior authorities in the administration but no heed was paid to his beseeching.

The State Counsel has submitted that in a civil writ

petition such matter should not be raised.

Under sections 135 and 136 Cr. P.C. the authority who passed the order can call upon the concerned person/authority to show cause for non compliance of the order. In my view, the petitioner should invoke those provisions for implementation of the said order.

The application is dismissed.

(Kishore Kumar Mandal, J)

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