

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1872 of 2015

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Talim Miyan, son of late Kitab Ali, resident of village Chakvali, P.O.-
Laxmipur, P.S.- Jandaha, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Vaishali (Hajipur).
 2. The Sub-Divisional Magistrate, Mahua, District- Vaishali.
 3. S.P. Vaishali (Hajipur).
 4. Officer-in-charge, Mahua, P.S., District- Vaishali
 5. Md. Khurshid Alam, son of Late Liyakat Miyan.
 6. Md. Mahphuz Alam, son of Late Liyakat Miyan.
- Both residents of village Chakvali, P.O.- Laxmipur, P.S.- Mahua, District-
Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Respondent/s : Mr. GP29- SADANAND PASWAN

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 02-02-2015

Heard the parties.

It appears a dispute between the petitioner and the respondent in respect of a small tract of land appertaining to Khata No. 14, Plot no. 412 became subject matter of consideration before the Sub-Divisional Magistrate in proceeding under Section 144 Cr.P.C. which was converted into Section 145 Cr.P.C. proceeding. It is the submission of the petitioner that the said proceeding is still pending. In the meanwhile, the petitioner approached the District Magistrate by a representation (Annexure-6) which according to the petitioner remained undisposed of.

Counsel for the petitioner submits that the application be

disposed of directing the District Magistrate to consider the said representation of the petitioner.

Counsel for the State has, however, contended that the matter concerning the petitioner is pending before the Sub-divisional Magistrate as contended by the petitioner. The District Magistrate in such circumstance shall have no role.

Considering the submissions made at Bar, this Court is satisfied that the present application be disposed of permitting the petitioner to pursue his representation before the District Magistrate. If any fresh application is filed, the District Magistrate may consider the same and take appropriate decision thereon in accordance with law.

(Kishore Kumar Mandal, J)

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