

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1219 of 2014

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Kumar Birendra Kishore Son of Sri Rajendra Prasad Singh resident of
village - Abupur, P.S. Phulwari, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Bihar, Patna
4. The Deputy Inspector General of Police, Patna Range, Patna
5. The Senior Superior of Police, Patna
6. The Deputy Superintendent of Police, Phulwarisharif, Patna
7. The Officer - in - Charge, Janipur Police Station - Patna
8. Suresh Singh son of Late Brijnandan Singh
9. Jai Prakash Singh Son of Suresh Singh Both are resident of village -
Jafara Bhagawanpur, P.S. Naubatpur, District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

2 27-07-2015 Heard learned counsel for the petitioner and learned
A.C. to G.A. 15 for the State.

The present application has been filed seeking

direction to the official respondents to take appropriate action against the respondents no. 8 and 9 who have entered into the house which has devolved on the petitioner and to get the same vacated.

Learned counsel for the petitioner submits that the private respondents have entered into the house having no authority and the act by which they have entered after broking the lock put by the police upon the murder of owner of the house is patently illegal and moreover the issue relating to the question of ownership of the property was the subject matter before this Court in C.W.J.C. No. 13123 of 2006 in which by order dated 15.07.2013 a co-ordinate Bench has passed an interim order that till the matter is subjudice before this Court, respondent no. 5 will not in any way encumber or sell the property. It is submitted that respondent no. 5 is the respondent no. 8 herein.

A supplementary affidavit has also been filed on behalf of the petitioner in which it appears that the police had requested the Sub-Divisional Magistrate, Patna Sadar for deputing a Magistrate to ensure that the house was made free of unauthorized possession.

In view of the facts emerging, after some arguments, learned counsel for the petitioner submits that he may be

permitted to withdraw the application so that he may file appropriate application with regard to violation of the interim order of the Court dated 15.07.2013 and inaction of the State authorities, especially in view of requisition made by the local police to the Sub-Divisional Magistrate, Patna Sadar for deputing a Magistrate all the more in view of the fact that despite the Magistrate having been deputed, the respondents no. 8 and 9 who are in unauthorized occupation in contravention of the Court order dated 15.07.2013 have not been made to vacate the premises.

In view of the aforesaid, the application stands disposed off as withdrawn with the liberty aforesaid.

(Ahsanuddin Amanullah, J)

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