

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1217 of 2014

=====

Rama Shankar Prasad, Son of Late Shiv Nandan Sah, Resident of Village -
Surajgarha Bazar, P.O. + P.S. Surajgarha Bazar, District – Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna.
2. The Inspector General of Police, Bhagalpur, P.S. Bhagalpur, District-
Bhagalpur.
3. The Deputy Inspector of Police, Munger Range, P.S. Munger.
4. The District Magistrate, Lakhisarai.
5. The Superintendent of Police, Lakhisarai, District- Lakhisarai.
6. The Deputy Superintendent of Police, Lakhisarai, District – Lakhisarai.
7. The Sub Divisional Magistrate, Lakhisarai, District Lakhisarai.
8. The Station House Officer, Surajgarha, P.S.-Lakhisarai, District-
Lakhisarai.
9. Sonu Kumar @ Amit Kumar, Son of Suresh Prasad.
10. Anil Prasad Verma, Son of Late Jagdeo Prasad Verma,
Both (9 and 10) residents of Surajgarha Bazar, P.S. Surajgarha Bazar,
District – Lakhisarai.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	: Mr. Shivpujan Sahay & Mr. Awadhesh Kumar Mishar, Advocates.
For the State	: Mr. Kumar Alok, S.C. 8

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 27-07-2015 Heard learned counsel for the petitioner and
learned SC-8 for the State.

The present writ application has been filed
seeking a direction to the State authorities to restrain the
respondent 2nd set from raising house/construction or for
occupying the land in question which is also the subject
matter under litigation in Partition Suit No. 133 of 2014

pending before the Sub Judge 1st at Lakhisarai.

Learned counsel for the petitioner submits that the respondent 2nd set are trying to make construction over the land in question at the behest of the brothers of the petitioners since he lives outside. It is submitted that he has objected before the authorities that at least till the matter is decided by the Civil Court, third parties should be restrained to make any construction or interfere in the possession of the land in question.

Despite copy of the application having been served on learned counsel for the State on 11.12.2014, no counter affidavit has been filed. Learned State counsel submits that he has also not received instructions. The Court deprecates such conduct on the part of the official respondents in not responding to the request of the learned State counsel for sending instructions in the matter which are pending before the High Court.

In the opinion of the Court once the matter is pending before the Civil Court, the petitioner has a remedy of taking appropriate action before the Court concerned with regard to any interim protection he may require relating to the land in question. However, the Court considers it equally important that the State authorities maintain peace and whenever the same is threatened, to take appropriate action. A categorical statement has been made in Paragraph-5 of the

application that an application has been filed bearing Case No. 761 (M) of 2014 on 08.11.2014 before the S.D.M., Lakhisarai but no action has been taken on the same.

Be that as it may, the application stands disposed off with a direction to the concerned respondent(s) to ensure that till the time the Civil Court of competent jurisdiction finally decides the matter relating to right, title and interest of the parties to the land in question, peace and tranquility is maintained thereupon for which appropriate steps in accordance with law be taken including that under Section 144 of the Code of Criminal Procedure, 1973, if the situation so demands.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	
---	--	---	--