

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.673 of 2015



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1. Dr. Anil Sulabh son of late Baidya Nath Jha, Adhyaksha (President), Hindi Sahitya Sammelan, Patna, resident of Mahalayani Bhawan, Kankarbagh Road, Police Station Kankarbagh, District Patna.

2. Bihar Hindi Sahitya Sammelan, Patna, through its Adhyaksha (President).
Dr. Anil Sulabh son of late Baidya Nath Jha, resident of Mahalayani Bhawan, Kankarbagh Road, Police Station Kankarbagh, District Patna

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Sub Divisional Officer, Patna.
6. B. K. Madhavi, son of not known to the petitioner at present posted as Officer-in-Charge, Kadam Kuan Police Station, Patna

.... Respondent

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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

3 24-07-2015 Heard learned counsel for the petitioners and learned
A.A.G.- 6 assisted by learned A.C. to A.A.G. 15 for the State.

The present application under Articles 226 and 227



of the Constitution of India had been filed seeking a direction to the respondents, especially respondent no. 6 to unlock the premises of Bihar Hindi Sahitya Sammelan which had been put up on 19.10.2014. The further prayer was to command the respondent authorities to take necessary steps to provide protection to the duly elected Adhyaksha (President) and the Committee so that it could function smoothly. It was also prayed that the respondent no. 6 be commanded not to harass the Adhyaksha (President) by way of repeatedly instituting proceedings against him. There was further direction to direct the respondents no. 3 and 4 to take action against the respondent no. 6.

Pursuant to order of the Court dated 22.07.2015, it has been informed that the police have opened the lock of the premises and the petitioners had been allowed to enter the same.

In view of the aforesaid, this Court does not find that there is necessity to keep the writ application pending.

Learned counsel for the State submits that though for the present in view of there being no order to lock up the premises, the same has been opened but various matters are pending with regard to the lease of the premises itself which, according to him, is a '*khas mahal*' land. He submits that the present order may not be taken undue advantage of by the petitioners in those collateral

proceedings relating either to the possession of the premises or the lease to the Bihar Hindi Sahitya Sammelan or with regard to the constitution of the Committee.

This Court does not find any difficulty in acceding to the prayer of learned counsel for the State. The present order shall not cause prejudice to the rights and contentions of any of the parties including the State in any proceeding, either pending or to be constituted in future.

In view of the above, the writ application stands disposed off. It is needless to observe that the police are obliged to give protection to the validly constituted Committee till there is no adverse order by any competent authority/Court or the premises itself is required to be handed over to any authority other than the Committee pursuant to a valid and legal order by the competent authority/Court

(Ahsanuddin Amanullah, J)

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