

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12082 of 2011

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1. Sri Satyanarayan Ji Trust A Registrered Trust Through Its Managing Trustee Sri Bal Manohar Jalan, S/O Late Hira Jalan R/O Quila House, P.S. - Chowk, Patna City, District - Patna
2. Sri Bal Manohar Jalan S/O Late Hira Lal Jalan R/O Quila House, P.S. - Chowk, Patna City, District – Patna.

.... Petitioner/s

Versus

1. The Secretary Lokayukta, Bihar, 4 Kautilya Marg, Patna - 1
2. The Senior Superintendent Of Police, Patna
3. Sri Ravi Jalal S/O Murli Manhor Jalan, R/O Quila House, P.S. Chowk, Patna City, District- Patna
4. The Officer-In-Charge, Kotwali Police Station, Patna
5. Sub Divisional Officer, Patna Sadar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. MRIGANK MAULI

For the Respondent/s : A.C. to G.P. 28

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 11-09-2015

Heard Mr. Mrigank Mauli for the petitioner and A.C. to G.P. 28
for the State.

The writ petition is directed against the order which the learned
Lokayukta passed on 3.2.2010 in Case No. I/Karmik) 37/09.
(Annexure-7). The offending part of the order according to the
petitioner is as under:-

“In these circumstances, there is no need to
proceed in the matter. Accordingly, this application
is disposed of. However, if any petition is filed by
either of the parties, the Sr. S.P., Patna will consider
the aspect about initiation of a proceeding u/s 144
Cr.P.C.”

Respondent no. 3 filed an application before the Lokayukta



raising a grievance that the Police official of the Patna in collusion with the writ petitioner was not taking any action on the application filed by the complainant (respondent no. 3) for initiation of prohibitory steps/measures as required under the Code of Criminal Procedure in respect of the property which is subject matter of Title Partition Suit No. 472 of 1993 and Title Partition Suit No. 45 of 1958.

A report was called for from the Superintendent of Police, Patna. The report dated 9.11.2009 (Annexure-16) discloses that the subject land was given to the Lahasa market for only three months. The time is over. Having found so, the learned Lokayukta disposed of the proceeding observing in the said order as extracted hereinabove.

The contention of the petitioner is that if there was no malfunctioning or inaction on the part of the public officer then the observations made in the said order was not required to be made which may prejudice the case of the petitioner. No opportunity was given to the petitioner in the said proceeding and the said observation was made.

The State, on the other hand, has submitted that the order is innocuous in the sense the learned Lokayukta has himself observed in the said order that if any party moves an application for taking steps for restoration of public peace and order, the authority should act on the said application to maintain public peace and order and proceed

according to the procedure laid down in the Code of Criminal Procedure.

Having heard the parties, in my view, the contention of the State respondents appears to be convincing. The order is innocuous in the sense that it gives liberty to both the parties to approach the Court/authority if there is any apprehension of breach of peace in respect of land which is the subject matter of suit(s) before the Court.

With the aforesaid clarification/observation, the writ application is disposed of.

(Kishore Kumar Mandal, J)

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