

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.377 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

Surjit Tiwary, son of Late Krishna Kumar Tiwary, resident of village/mohalla Mahendru, Bhagarathi Lane, Police Station Sultanganj, District Patna

.... Petitioner

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna
2. The State of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
3. The Director General of Police, Patna. District Patna
4. The Inspector General of Police, Patna. District Patna
5. Deputy General of Police, Patna. District Patna
6. The District Magistrate-cum-Collector, Patna, District Patna
7. The Senior Superintendent of Police, Patna, District Patna
8. The Superintendent of Police, Patna City, District Patna.
9. The Sub-Divisional Officer, Patna City, District Patna.
10. The Circle Officer, Patna Sadar, District Patna.
11. The Deputy Superintendent of Police, Patna City, District Patna
12. The Officer - in-Charge of Sultanganj Police Station, District Patna.
13. Sudhir Kumar Tiwary, son of Late Sheo Pujan Tiwary.
14. Amar Kumar Tiwary,
15. Manish Kumar Tiwary,
16. Assheesh Kumar Tiwary, All sons of Sudhir Kumar Tiwary, Residents of village Shastri Nagar, Saurabh Extension Apartment, Flat No.114, Police Shastri Nagar, District Patna.
17. Amit Balaji , son of late Kaushal Kumar Tiwary, Resident of village –B-1, Saket Vihar, Khajpura, Bailey Road, Police Station Gardanibag, District Patna.

.... Respondents

Appearance :

For the Petitioner : Mr. Shekhar Kumar Singh,
Mr. Pankaj Kumar Jha,
Mr. Raja Surendra Moha, Advocates
For the Respondents: Mr. Birendra Kumar, AC to GP 18

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-04-2015

Heard learned counsels for the parties.

2. The present writ petition has been filed for disposal of the proceeding under Section 144 of the Code of Criminal Procedure (for short, “Cr.P.C.”) said to be pending before the Sub-

Divisional Officer, Patna City for want of the report from Sultanganj Police Station which has not been received despite the reminders.

3. It is submitted on behalf of the petitioner that land in question was purchased by the petitioner's mother as far back as in the year 1991, a house was constructed over the said land and after her death, mutation was made in the name of the petitioner. It is submitted that pending the proceeding under Section 144 of the Cr.P.C., private respondent nos.13 to 17 are attempting to dispossess the petitioner and have even forcibly demolished part of the boundary wall and there is apprehension that even they may demolish the house .

4. Learned counsel for the State, on the other hand, appears and opposes the writ petition, submitting that it is in essence that the matter is of civil dispute for which the petitioner ought to have approached the competent jurisdiction of the Civil Court.

5. Without entering into the details of the matter, the present writ petition is disposed of with a direction to the Officer-in-Charge, Sultanganj Police Station, Patna (respondent no.12) to send the report to the Sub-Divisional Office, Patna City without further delay and in any event within a period of two weeks from the date of receipt /production of a copy of this order.

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(Vikash Jain, J)