

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18387 of 2010

=====

Jugnu Kumar @ Rohit Kumar, minor S/O Late Ram Chandra Gupta, R/O Mohalla- Machhua Toli, P.S.- Kadam Kuan, Distt.- Patna, living under the guardianship of his Maternal Uncle (Mama) Namely Vijay Prasad, S/O Late Ram Prasad Sah, R/O Vill.-Bakhtiarapur, Ward No.6, P.S.- Bakhtiyarpur, Distt.- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Home Commissioner, Bihar, Patna
3. The Director General of Police, Patna
4. The Inspector General, Patna Zone, Patna
5. The Deputy Inspector General of Police, Patna Range, Patna
6. The District Magistrate, Patna
7. The Senior Superintendent of Police, Patna
8. The City Superintendent of Police, Patna
9. The Officer-In-Charge, Kadam Kuan Police Station, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Siyaram Pandey
Mr. Arun Kumar Arun

For the Respondent/s : Mr. Avinash Kumar, AC to GA-6

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-02-2015 Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents to protect the life and property of the petitioner, which according to him, is in immediate danger at the hands of anti-social elements.

Though, the present writ petition was filed as far back as on 4.11.2010, but despite passage of more than four years, the counter affidavit has not been filed on behalf of the respondents delaying the disposal of the present proceeding, which is contrary to the object and spirit of the Bihar State Litigation Policy, 2011.

As noticed above, since the date of filing of the present writ petition more than four years have already elapsed, but there is no material available on the record to show that there has been any danger to the life or property of the petitioner during the

interregnum period. In the writ petition filed on behalf of the petitioner, he has not impleaded those persons as party respondents who are allegedly having their greedy eyes over the property of the petitioner situate in Patna town.

In view of the nature of grievances/claims raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that, instead of keeping the matter pending any longer, interest of justice shall be sub-served, if the petitioner is granted liberty to file separate comprehensive representations with all supporting documents before the respondent no.6, the District Magistrate, Patna as also the respondent no.7, Senior Superintendent of Police, Patna raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such comprehensive representations are filed by the petitioner within a period of four weeks from today with a certified copy of the present order, then the respondent nos.6 and 7 either separately or in tandem shall be obliged to consider the claim of the petitioner and shall further be obliged to issue an appropriate direction, so that the life and property of the petitioner are not threatened by anti-social elements. If the respondent nos.6 and/or 7, on getting the appropriate reports from the concerned authorities, come to a conclusion that the petitioner needs protection of his person and/or property at the hands of anti-social elements, then the consequential appropriate order shall also be issued so that the life and property of the petitioner are not threatened by anti-social elements.

The writ petition stands finally disposed of with the observations and directions made above.

Arvind/-

U			
---	--	--	--

(Birendra Prasad Verma, J)