

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.374 of 2016

Arising out of PS.Case No. Year- Thana - District- WEST CHAMPARAN (BETTIAH)

Gautam Kunwar, wife of Late Shiv Pujan Mahto, Resident of Village- Marjadawa,
Police Station- Purshottampur, Anchal- Mainatand, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Bihar Patna.
2. The District Magistrate, Bettiah, West Champaran.
3. The Superintendent of Police, Bettiah, West Champaran.
4. The Anchal Adhikari Block Mainatand, District- West Champaran.
5. The Sub-Divisional Magistrate, Narkatiaganj, District- West Champaran.
6. The Officer-in-charge, Police Station- Pursottampur, District- West Champaran.
7. Mahendra Prasad, son of Deoki Sah
8. Vikarma Sah, son of Mahendra Sah
9. Vijay Sah, son of Mahendra Sah,
10. Jaypee @ Jai Prakash Sah, son of Mahendra Sah, All are resident of Village-
Marjadwa, Police Station- Pursottampur, Anchal- Mainatand, District- West
Champaran.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad, Advocate.
Mr. Nishant Kumar Sinha, Advocate.
For Respondents 1 to 6 : Mr. Parijat Saurav, A.C. to A.A.G. 10

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL JUDGMENT

Date: 16-09-2016

Heard learned counsel for the parties.

2. The petitioner has invoked the writ jurisdiction of
this Court for a direction to the learned Sub Divisional Magistrate to
take a final decision on his complaint filed under Section 133 of the
Code of Criminal Procedure against Respondent Nos. 7 to 10.

3. A perusal of the complaint shows that the
petitioner has filed the petition without attaching any site plan so as to

show the extent of encroachment on the public land nor it is supported by any revenue record.

4. Therefore, I do not find that any case is made out for any direction to the learned Sub Divisional Magistrate to decide the petition filed under Section 133 of the Code of Criminal Procedure at this stage.

5. However, if the petitioner files a properly constituted petition under Section 133 of the Code of Criminal Procedure supported by the Revenue Record and the site plan, the Sub Divisional Magistrate shall consider the same in accordance with law.

6. The writ application stands disposed of accordingly.

(Hemant Gupta, J)

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