

Food Corporation of India, through Sri Anath Kumar Biswas its Area Manager, District Office, Chapra, At & P.O. Chapra, P.S. and District-Chapra

Versus

- ....    .... Opposite Parties

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.  
Mr. Shashi Dhar Jha, Adv.  
For the Opposite Party/s : Mr. Uday Chand Prasad (App)  
Mr. Manish Chandra Gandhi, Adv.

Heard Sri Krishna Prasad Singh, learned Senior

The petitioner, i.e. Food Corporation of India, has approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash the entire proceeding initiated under Section 133 of the Code of Criminal Procedure including the order dated 23.03.2011 passed by the learned Sub Divisional Magistrate, Hajipur in Case



No.P/23/07(Hariwansh Narayan Singh Vs. District Manager, Food Corporation of India). It appears that on petition filed on behalf of Opp.Party no.3, a proceeding under Section 133 of the Code of Criminal Procedure was initiated. It was alleged by Opp.Party no.3 that in view of continuance of Godown of the Food Corporation of India in the residential locality, there was public nuisance. From the Order dated 23.03.2011, it is evident that the petitioner had agreed for removal of the Godown within a period of six months. Even after expiry of six months, since no step was taken by the petitioner, by order dated 23.09.2011 the learned Sub Divisional Magistrate had directed for complying earlier order. Since the order was passed by the learned Sub Divisional Magistrate with consent of the parties, same order was not assailable. Keeping in view the fact that it was case by a government institution this Court initially granted some indulgence and directed for staying the proceeding before the learned Magistrate. Even before this Court, the petitioner gave an undertaking for removing the godown from the area within a period of nine months. This was noticed by order no.20 i.e. order dated 05.02.2015. This Court by order dated 05.02.2015 extended nine months time for complying the earlier order. It appears that the petitioner is not at all interested to abide by their condition or

comply the earlier order. Again the petitioner has filed a petition for extension of time for six months. Since much indulgence has already been granted, there is no reason to further extend the time.

Accordingly, the present petition stands dismissed. The learned Magistrate may take appropriate steps in view of earlier order passed in the proceeding

**(Rakesh Kumar, J)**

NKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|