

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6899 of 2016

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1. Raj Kumar Jha Son of Late Naresh Chandra Jha, Village Nehra, P.S. - Manigachhi, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Government of Bihar, Patna.
2. The Divisional Commissioner Darbhanga P.S. - Laheria Sarai, District - Darbhanga.
3. The District Magistrate Darbhanga.
4. The Superintendent of Police Darbhanga.
5. The S.H.O. Manigachhi Police Station Darbhanga.
6. The Director Archelological Department Government of Bihar.
7. Hari Narayan Sahni,
8. Ram Narayan Sahni,
9. Shiv Narayan Sahni, All Sons of Late Badri Narayan Sahni, All Resident of Village - Nehra P.S. - Manigachhi, District - Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Advocate
Mr. Anil Kumar Tiwary, Advocate

For the Respondent/s : Mr. Jai Shankar Barnwal, GA-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 19-09-2016 Heard Mr. Ashok Kumar Choudhary, learned Counsel, appearing on behalf of the petitioner, and Mr. Jai Shankar Barnwal, learned Government Advocate No.5, appearing on behalf of the State-respondents.

In view of the fact that this Public Interest Litigation alleges that the order of the Magistrate has been obtained by the private respondents by way of fraud coupled with the fact that this Public Interest Litigation also alleges that there had been multiple

civil proceedings between the parties concerned, this Court is clearly of the view that this writ petition, in the form of Public Interest Litigation, is wholly misconceived and, therefore, further proceeding of this Public Interest Litigation is hereby closed with liberty granted to the petitioner to approach this Court with appropriate application, in future, if so advised, and/or take recourse to such provisions of law as may be permissible including institution of appropriate suit in a Civil Court of competent jurisdiction.

(I.A. Ansari,CJ)

(Anjana Mishra, J)

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