

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.969 of 2015

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

Nand Kishore Sharma son of late Mahadeo Mistri, resident of village- Kasmabad, Raghapur, P.S.- Sultanganj, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Law, Government of Bihar, Patna
2. The Director General of Police, Government of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Senior Superintendent of Police, Bhagalpur.
5. The Deputy Superintendent of Police, Bhagalpur.
6. The Officer-in-Charge, Sultanganj Police station, District- Bhagalpur.
7. Ramesh Mandal son of Banarsi Mandal
8. Arvind Mandal son of Chhedi Mandal

Both are residents of village - Kasmabad, P.O.- Gangapur, P.S.- Sultanganj, District- Bhagalpur.

9. Subhash Chandra Sharma son of Banarasi Mandal, resident of village- Kasmabad, P.O.- Gangapur, P.S.- Sultanganj, District- Bhagalpur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Advocate
For the State : Dr. Anshuman, SC-14
: Mr. Kuber Pathak, AC to SC-14

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 24-02-2016

There appears to be land dispute between the petitioner and the private respondents no.7, 8 and 9. By way of preferring the present application, the petitioner seeks a direction to be issued to respondents no.1 to 6 to remove the encroachment made by the respondents no.7, 8 and 9 over the land for which the parties are fighting against each other.

2. Earlier also, the petitioner had filed two writ petitions before this Court seeking more or less identical relief vide C.W.J.C.

No.22876 of 2012 and Cr.W.J.C. No.690 of 2013. It would appear from the order dated 13.12.2012 passed in C.W.J.C. No.22876 of 2012, as contained in annexure-1 to the present application, that when the Court observed that the relief prayed for in the writ petition is absolutely misconceived, learned counsel for the petitioner sought permission to withdraw the writ petition to avail the remedy of execution of the order passed by the Grak Kachahari before the Munsif having jurisdiction over his area and at the request made by the learned counsel for the petitioner, the writ petition was allowed to be withdrawn. It would be further evident from the order dated 13.12.2013 passed in Cr.W.J.C. No.690 of 2013, as contained in annexure-1/1 to the present application, that the writ petition was dismissed as withdrawn after arguments advanced at length.

3. In view of the facts noted, hereinabove, I am of the considered opinion that the instant application is nothing but an abuse of process of the court.

4. The application is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

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