

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19015 of 2015

=====

Ranvir Yadav, son of Late Hariballabh Yadav, a resident of Village - Chukti, P.S. Mansi, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Khagaria.
4. The District Officer, Khagaria.
5. The Superintendent of Police, Khagaria.
6. The Sub-Divisional Police Officer, Khagaria.
7. The Sub-Divisional Officer, Khagaria.
8. The Station House Officer, Mansi, Khagaria.
9. Pandav Yadav @ Binay Kumar Pandav, son of Ram Sharan Yadav, a resident of Chutki P.S. Mansi, District - Khagaria.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate
For the State : Mr. Ranjan Kumar, A.C. to G.A. 12
For Respondent No. 9 : Mr. Sharad Kumar Sinha, Advocate
Mr. Vinay Ranjan, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 25-07-2017

Inter alia contending that Respondent No. 9 Pandav Yadav @ Binay Kumar Pandav is holding a Hat (market) for sale and purchase of animals in an unauthorized manner and conducting trafficking of animals without valid licence and is obstructing the way near National Highway No. 31, this writ petition has been filed in public interest.



Respondent No. 9, against whom the allegation has been made, has filed a detailed reply and he indicates that earlier also at the instance of one Sri Bharat Yadav, who is related to the petitioner, the matter, identical in nature, came to this Court in C.W.J.C. No. 23490 of 2012 and this Court refused to exercise its jurisdiction and directed the petitioner in the said case to take recourse to the remedy of approaching the Administrative Authorities for ventilating their grievance.

From the counter affidavit filed by Respondent Nos. 1 to 8 we find that based on the complaints received, respondents have already taken action and for holding the Hat (Bazar) in an illegal manner, two First Information Reports have been lodged against Respondent No. 9 being F.I.R. No. 131 of 2014 and 1555 of 2014 and he is being prosecuted for the said purpose. Charge-sheet has also been filed in the court of criminal jurisdiction and the matter is pending before the competent court for offence under various sections of the Indian Penal Code so also Prevention of Cruelty to Animals Act, 1960. That apart, the respondents have taken action for removal of encroachment and are taking steps for preventing such happenings in future.

Keeping in view the counter affidavit filed by the respondents, now no further action is required to be taken in the



matter. In case, the petitioner feels that encroachment still exists in the area, he may take recourse to the remedy for removal of the same and making complaint under the Bihar Public Removal of Encroachment Act.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	27.07.2017
Transmission Date	

