

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5362 of 2015

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Rashida Khatoon, wife of Syed Shah Aashik Hussain, Resident of village- Dargah Sah Arja, P.O. Mahendru, P.S. Sultanganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna.
3. The Senior Suprietendent of Police, Patna.
4. The Sub Divisional Officer, Patnacity, Patna.
5. The Dy. S.F., Patnacity, Patna.
6. The Officer-In-Charge, P.S. Bahadurpur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamla Prasad Rai, Advocate
Mr. Satya Ranjan Sinha, Advocate
For the Respondent/s : Mr. Jitendra Kumar, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 18-09-2017

Heard Mr. Kamla Prasad Rai, learned counsel for the petitioner and Mr. Jitendra Kumar, learned AC to GP-16.

The present Writ application has been filed for a direction to the respondent authorities to co-operate the petitioner for construction of the house on the land appertaining to Khata No. 437/438, Plot No. 2061/Tauzi No. 303, Thana No. 11, situated in Mauza – Sandalpur, P.S. – Sultanganj, Dsitrict, Patna.



It is submitted by learned counsel for the petitioner that the petitioner is a widow helpless lady and anti-social elements are causing obstruction in construction of her house, though, she filed representations before the respondent no. 2, District Magistrate, Patna, respondent no. 3, Senior Superintendent of Police, Patna, but no action has been taken by the authorities concerned.

Learned AC to GP-16 relying on the counter affidavit submits that proceedings under Section 107 Cr.P.C. and under Section 144 Cr.P.C. were initiated and on enquiry, it was found that one Pratima Singh and Rupa Rani are also claiming possession over the land in question.

Reply to the counter affidavit has been filed stating therein that neither a proceeding under Section 107 Cr.P.C. nor a proceeding under Section 144 Cr.P.C. have actually been initiated nor the above-mentioned proceedings are pending, at present. The Jamabandi has been created in the name of the petitioner and petitioner has valid right, title and interest over the land in question.

Considering the rival submissions of the parties, the petitioner is permitted to file a representation before respondent no. 2, District Magistrate, Patna as well as respondent no. 3, Senior Superintendent of Police, Patna within a period of two weeks and thereafter, it is expected from the concerned authorities to dispose of



the representation of the petitioner within a period of eight weeks and to pass appropriate order in accordance with law.

With above observation and direction, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	22.09.2017
Transmission Date	NA

