

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1233 of 2016

Arising Out of PS. Case No.- Year- Thana- District- Vaishali

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Krishnadeo Singh son of late Bishwanath Singh Resident of village - Ufraul,
P.S. Desari, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Superintendent of Police, Vaishali at Hajipur.
3. Station House Officer, Desari Police Station, District - Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
For the Respondent/s : Mr. SC8-Sheo Shankar Pd.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The writ application has been preferred seeking a direction to the respondents to take suitable action in maintaining the possession of the petitioner over 16 decimal southern portion of R. S. Plot no. 2424 of village Ufraul under Desari Anchal of the District Vaishali.

It is the contention of the learned counsel representing the petitioner that by virtue of the order of the Sub-Divisional Magistrate passed on 30.03.2010 which is Annexure-1 to the present application, earlier proceeding initiated under Section 145 Cr.P.C. was dropped and possession of the land in question was handed over to the first party. The petitioner of the present



case was the first party in the said Case No. 115 of 2008 before the Sub-Divisional Magistrate, Mahnar, Vaishali.

Now the grievance of the petitioner is that one Dinesh Singh is trying to create disturbance over the piece of land and for that reason he has moved this Court seeking the aforesaid direction.

Even though this Court finds from Annexure-1 that prima facie there is an order directing handing over possession of the properties in dispute to the first party, however, in Annexure-1 the plot number with respect to which the petitioner is claiming is not mentioned. The person against whom allegations have been made, he is not a party respondent in the present writ application.

In the aforementioned circumstance, without entering into the merit of the contention, this Court would direct the petitioner that in case he finds that his possession over any property is being disturbed by any person, the same may be brought to the notice of the competent authority who will consider all the materials which will be placed before the authority and after hearing the parties, appropriate decision shall be taken and in case it is found that the grievance of the petitioner is duly supported by the materials submitted by him,



the competent authority shall pass appropriate order to protect the possession of the petitioner.

This application stands disposed of with the aforementioned direction and observations.

(Rajeev Ranjan Prasad, J)

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