

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2602 of 2018

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

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Awadhesh Prasad Mehta @ Awadhesh Prasad, Son of Late Jageshwar Mahto,
Resident of Village- Sikhar, P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Home Secretary, Dept. of Home, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Magistrate, Gaya.
4. Anant Murari Singh, Son of Anmol Singh, Resident of Village- Sikhar, P.S.- Muffasil, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Respondent/s : Mr. Md.N.H.Khan (Sc-1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-11-2018 It is his own case of the petitioner that he is exploring the right of pre-emption against the private respondent no. 4 in respect of the land which leads to a dispute between the parties.

It is also apparent from the statements made in the writ application that the pre-emption case brought by the petitioner was dismissed earlier and now he is in appeal against the order of dismissal.

In the aforesaid circumstances, this Court is unable to accept the submission of learned counsel for the petitioner that despite there being law and order problem, the authorities of the State would not be justified in initiating a proceeding under Section 144 Cr.P.C. when admittedly the petitioner is only



seeking right of pre-emption for the present and has appealed before the original authority, there is no reason to entertain this application in the nature of the reliefs prayed for.

This application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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