

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.320 of 2017

=====

Arvind Kumar Pandey, Son of Sri Dinesh Pandey, Resident of village -
Nadwan, P.O. Nadwan, P.S. Dhanarua, Distt. Patna

... .. Petitioner/s

Versus

1. The State of Bihar, through its Principal Secretary, Revenue Deptt. Govt. of Bihar, Patna
2. The District Magistrate, Patna
3. The Sub - Divisional Magistrate, Masaurhi (Patna)
4. The Circle Officer, Masaurhi
5. The Officer - in – Charge, Dhanarua (Patna)
6. The Director General of Police, Bihar, Patna
7. Smt. Sonali Devi, Wife of Sri Preman Singh, Resident of village -
Raghunathpur, P.O. Nadwan, P.S. Dhanarua

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 10-09-2018

Heard Mr. Dudh Nath Singh, learned counsel for the
petitioner and learned AC to AAG 12 for the respondent-State.

Though, the present writ application was registered on
12.01.2017, but till date no counter affidavit has been filed, hence,
in view of the nature of order which this Court intends to pass, this
Court is neither inclined to adjourn the matter any further, nor
inclined to issue notice to private Respondent No.7.

The present writ application has been filed for a
direction to the respondent authorities to provide safety and
security to the agricultural produce of the land of the petitioner, as



the same is forcefully being taken away by private Respondent No.7.

Learned counsel for the petitioner submits that the petitioner purchased the land, appertaining to Khata No. 148, Plot No. 1347, situated at Mauza Raghunathpur, P.S. Dhanarua, District Patna through registered sale deed. Subsequently, the petitioner came in possession of the land in question and is paying rent regularly, but in the year 2013, private Respondent No.7 claimed the land in question, leading to registration of non-FIR Case No. 159 of 2013 and consequently, a proceeding under Section 144 Cr. P. C. was initiated. Sub-Divisional Magistrate, Masaurhi, vide order dated 04.11.2013, passed in Case No. 409 of 2013, as contained in Annexure-5, directed the private Respondent No.7 not to interfere with the possession of the petitioner over the land in question. Subsequently, private Respondent No.7 filed a case under the Bihar Land Disputes Resolution Act, 2009 being Case No. 24 of 2014-15 against the petitioner, which was also disposed of, as the D.C.L.R., Masaurhi declined to interfere. The petitioner has also lodged a criminal case being Dhanarua P.S. Case No. 401 of 2014 on 26.11.2017, with the allegation that the agricultural produce has been taken away by private Respondent No.7, but still no action was taken. Hence, the present writ application.



Learned AC to AAG 12 submits that at present she is not having any instruction, but if the petitioner files any such representation before the District Magistrate and Sr. S. P., Patna, then such representation will be disposed of within a time frame.

Having heard learned counsel for parties, considering the nature of relief claimed it is expected from the petitioner to submit a representation before the District Magistrate and Sr. S. P., Patna, for providing safety and security within a period of three weeks from the date of receipt of a copy of this order, whereupon, respondent authorities will consider the grievance of the petitioner and pass appropriate order, within a period of four weeks of the submission of his representation.

With the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Deepak/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

