

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1495 of 2018

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

Arjun Rai S/o Late Dhanushdhari Rai, R/o Vill.- Chaksaleh Sikandarpur, P.S.-
Punpun, District- Patna. Presently residing at Mohalla- Punaichak, Mohanpur
Devi Asthan, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Old Secretariat Building, Patna.
2. The Principal Secretary, Department of Home, Old Secretariat Building, Patna.
3. The Director - General of Police, Bihar, Patna.
4. The District Magistrate, Patna.
5. The Sub Divisional Officer, Masaurhi, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Sub - Divisional Police Officer, Masurhi
8. The Circle Officer, Punpun Block, District- Patna.
9. The Officer In Charge, Punpun P.S., District- Patna.
10. Kedar Rai S/o not known, presently posted as Sub Inspector of Police, Punpun P.S., District- Patna.
11. The Officer in Charge, Masaurhi P.S., District- Patna.
12. Hari Rai S/o Late Dhanushdhari Rai,
13. Nawal Kishore Yadav S/o Hari Rai,
Both 12 & 13 are residing at Nawlakha Mandir, Bhawani restaurant in front of Vikas Bhawan, Sachivalaya, P.S.- Sachivalaya, District- Patna.
14. Vijai Yadav S/o Hari Rai,
15. Ajai Yadav S/o Hari Rai,
Both 14 to 15 are the residents of Mohalla- Punaichak, Mohanpur, Devi Asthan, P.S.- Shastri Nagar, District- Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma, Adv.
For the Respondent/s : Mr. AC to GP4

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 11-06-2018 Heard Sri Sanjeev Kumar Verma, learned counsel for
the petitioner and learned AC to Government Pleader no. 4.

The petitioner, invoking jurisdiction of this Court
under Article 226 of the Constitution of India, has prayed for



directing the respondents, particularly, the respondents Sub-Divisional Officer, Masaurhi and the Officer-in-charge, Police Station, Punpun, District- Patna to discharge their statutory duties.

It has been argued by learned counsel for the petitioner that the petitioner has filed a petition for initiating a proceeding under Section 144 of the Cr.P.C., on which the learned Sub-Divisional Magistrate has already passed order for maintaining status quo on the land question. However, even during pendency of such proceeding, the private respondents, in connivance with the Government Officials, are violating the order and the Sub-Divisional Magistrate is not taking any appropriate steps.

On examination of record, it appears that it is a family dispute regarding which a petition under Section 144 of the Cr.P.C. was filed. If it is a case of the petitioner that the order passed under Section 144 of the Cr.P.C. has been violated, he has got appropriate remedy for prosecuting the concerned person(s) on an accusation of violation of the order passed under Section 144 of the Cr.P.C.. In such situation, there is no reason to exercise the writ jurisdiction.

The petition stands disposed of with liberty to the



petitioner to avail appropriate remedy. It is also made clear that the Sub-Divisional Officer may also examine the matter and take appropriate action in accordance with law.

(Rakesh Kumar, J)

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