

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4052 of 2016

In

Civil Writ Jurisdiction Case No. 4392 of 2008

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Alok Mohan Das, Hindu by faith, son of late Sudhendranath Das, Advocate aged about 67 years used to reside at Main Road, Ward 10/15, Madhepura, P.O., P.S. & District-Madhepura and presently residing at Neelalok, Gurupally Bolpur, Shantineketan in the District of Birbhoom, West Bengal.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department, Government of Bihar, Patna Namely Sudhir Kumar Rakesh.
2. The Executive Officer, Nagar Parishad, Madhepura namely.
3. The District Magistrate, Madhepura namely.
4. The Superintendent of Police, Madhepura namely.
5. The Station House Officer, Madhepura namely.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Pratap Singh

For the Respondent/s : Mr. Prabhat Kumar Verma AAG3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 07-09-2018

Heard learned counsel for the parties.

Mr. Saroj Kumar Sharma, learned counsel representing the State, at the outset, takes an objection as to the correctness of the order dated 08.02.2017 directing the Superintendent of Police, Madhepura to file a show cause. It is his submission that the direction to file a show cause by the Superintendent of Police without there being any order of the learned Writ Court directing the Superintendent of Police to do something or not to do something seems to have been passed on wrong submission. Learned counsel for the petitioner, however,



objects and it is his submission that despite the order of the learned Writ Court the police authorities are conniving with the private individuals of the localities and is not allowing the petitioner to raise a construction on the land. It is further submitted that no dispute whatsoever in form of any title suit or proceedings akin to that is pending before any competent court of law.

This Court having heard learned counsel for the parties and upon perusal of the order passed by the learned Writ Court finds that in fact the learned Writ Court while passing the order had quashed the notice as contained in Annexure-2 series issued by the Nagar Parishad and it was held that such notice was in violation of Article 300A of the Constitution. The learned Writ Court had also made it clear that the Court has not entered into any adjudication upon rights of different parties and has proceeded on the admitted finding in the impugned notices itself and that the land stands recorded in the name of petitioner's father. The learned Writ Court had also observed that "As to the rights of individuals, the same requires adjudication in a competent civil proceedings before competent court which liberty is there with people aggrieved by petitioner's actions."

This Court does not find any mandamus/direction to the Superintendent of Police to do or to abstain from doing



something in connection with the matter. If it is the case of the petitioner that police is conniving with the individuals and despite the fact that there is no lis pending with respect to the land in question, the police authorities are interfering with the rights of the petitioner, the petitioner is required to approach the Superintendent of Police, Madhepura with an appropriate representation who will consider the same and shall take remedial measures.

For the present, the contempt proceeding need not proceed and is accordingly dropped.

(Rajeev Ranjan Prasad, J)

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