

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1709 of 2017

Arising Out of PS. Case No.-52 Year-2017 Thana- RAJIVNAGAR District- Patna

Girija Nath Chaudhary son of Late Bihari Chaudhary, R/o Mohalla Rajiv
Nagar, P.S.- Rajiv Nagar, District- Patna ... Petitioner

Versus

1. The State Of Bihar
2. The Director General of Police, New Secretariat, Patna
3. The Senior Superintendent of Police, Near Gandhi Maidan, Patna
4. The Dy. S.P., Kotwali Police Station, Near Taramandal Patna
5. The Officer-In-Charge, Rajiv Nagar Police Station, Rajiv Nagar, Patna
6. Amod tiwari, son of Laxmi Bhagat, R/o H. No. 59, Nehru Nagar, P.S.-
Patliputra, District- Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Bhagya Narayan Jha, Advocate
For the Respondent/s : Mr. Ajay Kumar Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 11-07-2018 The petitioner had moved this Court with an allegation against the Police Officer namely, Madhu Kumari saying that she had put a lock over the premises in question on the main gate and forcefully removed the petitioners in the garb of Police power at the instance of one Amod Tiwari (respondent no. 6). In view of the directions issued by this Court vide order dated 30.03.2018, the Superintendent of Police, Patna has got inquired into the matter. A copy of the inquiry report as contained in Annexure R/3-A dated 30.04.2018 has been brought on record today with a supplementary counter affidavit filed on behalf of the respondent nos. 3 to 5. The report says that there is a land dispute with respect to one plot measuring an area 4 Kattha approximately bearing plot no. 2911 Tauji No. 5123



under Khata No. 279. The land is said to be the acquired land of the Bihar State Housing Board and sale of the said land is prohibited but the two parties are fighting over the piece of land. They had entered in abuse and assault to each other for which Rajeev Nagar P. S. Case No. 52 of 2017 has been registered against two named accused persons and 20-25 unknown persons. This petitioner is said to be one of the parties and is a named accused in another case bearing Rajeev Nagar P. S. Case No. 64 of 2017 registered on 24.03.2017.

The report further states that in course of inspection it was found that on the land in question there is a boundary wall and a big size gate has been fixed there, the upper part of the gate shows the name of this petitioner inscribed on the grill and one white colour lock is placed there. The inquiry officer could not find out as to who had put the said lock on the gate but in the report it has been clearly stated that the lock has not been placed by Police and no seal, as alleged, has been put by the officials of the Police Station. Apprehensions have been expressed that the lock might have been placed by the opponent of this petitioner. On going through the report, the extracts of which I have taken note of hereinabove, it is found that the kind of dispute, involved in the present case, cannot be adjudicated in



the present writ application. The allegation of the petitioner that the Police officer had put the lock or sealed the premises has now been denied by the inquiry officer and therefore, the said grievance of the petitioner has also been addressed. So far as the dispute with respect to the land between the two parties are concerned, this Court is not willing to go into that issue and no observations or directions may be issued in that regard. The parties are free to seek their remedy before the appropriate court in accordance with law.

The writ application stands disposed of with the aforesaid directions and observations.

(Rajeev Ranjan Prasad, J)

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