

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1029 of 2018

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Sri Vijay Kumar Paswan Son of Mithu Paswan Working as Assistant SDO Office Sherghati and on Deputation Nagar Panchayat Office Sherghati, R/o Village-Hamjapur P.S.-Aamas, Dist.-Gaya.

2. Ramswaroop Das S/o Nanhak Das Working as Assistatn Nagar Panchayat Sherghati, R/village-Akauna, P.S.-Aamas, Dist.-Gaya.

.... Petitioners

Versus

1. The State of Bihar Through The Principal Secretary, Urban Development And Housing Department, Govt. of Bihar, Patna.

2. The Director, Municipal Administration/ Joint Secretary, Urban Development and Housing Department, Govt. of Bihar Patna.

3. The Chief Engineer, Urban Development and Housing Department, Govt. of Bihar, Patna.

4. The Addl. Secretary Urban Development and Housing Department, Govt. of Bihar Patna

5. The District Magistrate, Gaya.

6. The Sub-Divisional Officer, Sherghati, Gaya.

7. The Executive Officer, Nagar Panchayat Sherghati, Gaya.

8. The Chairman Nagar Panchayat, Sherghati, Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bibhuti Narayan

For the Respondent/s : Mr. Kinkar Kumar (Sc 9)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-04-2018 This writ application was initially preferred with

a prayer to quash the order contained in Memo No. 1196 dated 27.02.2018 as contained in Annexure-1 to the writ application by which the Director cum Additional Secretary, Municipal Administration had taken a decision to lodge a First Information Report. It appears that during pendency of the writ application, the First Information Report has already been lodged and now the petitioner is seeking to challenge the said F.I.R. by filing an interlocutory application.



In the opinion of this court, the F.I.R. having been lodged has given a fresh cause of action to the petitioner and for that the petitioner would be required to challenge the F.I.R. in a separate duly constituted writ application. The Interlocutory Application in the present case is not fit to be allowed. The petitioner will however be at liberty to challenge the F.I.R., if so advised.

Learned counsel for the State is present.

This writ application is disposed off as having become infructuous.

(Rajeev Ranjan Prasad, J.)

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