

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8777 of 2018

Shivendra Pratap Singh, Advocate Son of Late Satyendra Pratap Singh
Resident of Village-Kulhariya, PS-Koilwar, District-Bhojpur at Present
residing at 4B/3, Kulhariya Complex, Ashok Raj Path P.S-Pirbahore, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police Government of Bihar, Patna.
4. The Inspector General (Administration) Police Department Government of Bihar, Patna.
5. The District Magistrate, Patna.
6. The Senior Superintendent of Police, Patna.
7. The officer-in-Charge, Gandhi Maidan Police Station, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Sr. Counsel
For the Respondent/s : Mr. Partha Sarthi -GA-4

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-05-2018 Heard Mr. Abhay Kumar Singh, learned Sr. Counsel

for the petitioner and Mr. Parth Sarthi, learned, GA-4 for the

Respondent-State.

In pursuance to order dated 10.05.2018, Respondent
no.8, Mr. Deepak Kumar, S.I., Officer-in-Charge, Gandhi
Maidan, Police Station is present in the Court.

The present Writ application has been filed for
commanding the Respondent nos.7 and 8 to handover the key of
Flat No.304, Rajendra Enclave, Exhibition Road, Patna to the
petitioner, as the same has been illegally taken by Respondent
no.8, Mr. Deepak Kumar, S.I., Officer-in-Charge, Gandhi



Maidan, Police Station. The relief as stipulated in paragraph no.1 of the writ application reads as under :-

“i. To issue a writ in the nature of Mandamus Commanding the Respondents particularly Respondent nos. 7 & 8 to hand over the key of Flat No.304, Rajendra Enclave, Exhibition Road, Patna to the petitioner immediately as the same has been illegally and arbitrarily taken away by him.

ii. To issue a writ in the nature of Mandamus Commanding the Respondents particularly Respondent no.6 to pay the cost and compensation for the mental agony to the petitioner, which has been suffered by the petitioner from the illegal omission and commission of the Respondent no.7 and realized the same amount from Respondent no.8.

iii. To issue a writ in the nature of Mandamus Commanding the Respondents particularly Respondent no.6 to initiate a departmental proceeding against Respondent no.8 for his illegal and arbitrary omission and commission committed by him without any authority.

iv. To issue any other writ or writs, direction or directions, order or orders for which the petitioner is entitled to in the facts and circumstances of this case.”

A counter affidavit has been filed on behalf of Respondent nos. 7 and 8, stipulating in paragraph nos. 5,12, and 14 that the key of flat in question was never taken by the Respondent no.8. However, it is submitted that Sanha entry no.1018, was made on 28.04.2018 at 02.10 P.M. on the telephonic information of one Smt. Aradhana Singh, who had



informed that one unknown person is vandalizing her house. Consequently, the Respondent no.8 went to the flat in question and came to know that Smt. Aradhna Singh is the sister of the petitioner and there is dispute with regard to possession over the flat in question, but since the issue has arisen out of civil nature of dispute, the police refused to interfere in the matter. The relevant paragraph nos. 5, 12 and 14 read as under :-

“5. That the deponent at the very outset denies the allegations levelled against him.

12. That the deponent states that thereafter he returned back with his team and after some time the petitioner and his sister both reached the Police Station and explained their stand and the fact that there is dispute going on between the parties with respect to the properties and finding the fact that this dispute cannot be resolved at the level of the Police, the parties thereto were orally asked to get the same resolved and to maintain peace/status quo. The parties were also asked to produce their documents, if any, on 30.04.2018.

14. That the deponent states that at no point of time on 28.04.2018 the key of the flat in question was kept in the Police Station nor is there any mention of the above fact in the Station Diary Entry. Same is the position with respect to the lock being placed in the flat also, as the police never place any lock on the premises.”

In view of the above stand of Respondent nos. 7 and 8, learned Sr. Counsel for the petitioner submits that at present



he has no grievance, hence, seeks permission to withdraw this application with a liberty to take appropriate recourse available under law, in future, if such occasion arises.

Permission is accorded.

Accordingly, the writ application is permitted to be withdrawn with the liberty aforementioned.

Personal appearance of Respondent no.8, Mr. Deepak Kumar, S.I., Officer-in-Charge, Gandhi Maidan, Police Station, is dispensed with.

(Dinesh Kumar Singh, J)

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