

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14197 of 2018

Based on the letter of Smt. Sharda Devi

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s :

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-07-2018 Cognizance of the matter was taken on the basis of a letter written by a senior citizen, a lady, pointing out that by fabrication of document and by use of illegal means her land is being usurped by vested interest termed as local Mafias and Gundas of the area in question in an illegal manner and her further complaint is that instead of getting the matter verified from the Collector and the Superintendent of Police, without considering the issues involved in the matter in the right



perspective, the Chief Judicial Magistrate, Siwan has registered Complaint Case No. 1407 of 2018 against all the family members and referred the matter under Section 156(3) of the Cr.P.C. to the Superintendent of Police for registration of F.I.R. without causing a proper inquiry into the matter.

By producing overwhelming documents, the petitioner has tried to demonstrate before this Court that she is the rightful owner of the property. The documents are in her favour and in the past also when such complaints were made, the Superintendent of Police and the Collector have investigated into the matter and found her claim to be correct. Pointing out that in an illegal manner, she and her entire family is being harassed, this complaint was made.

Taking note of the grievance of the petitioner, we deem it appropriate to direct the District Judge, Siwan to himself examine the matter after calling for the file of Complaint Case No. 1407 of 2018 and a report from the Collector and the Superintendent of Police or entrust the matter to a senior Judge working under him for proper inquiry and after obtaining the report proceed in the matter in accordance with law. The District Judge shall also submit a report to the Registrar General of this Court with regard to the action taken in



the matter.

We are of the considered view that the aforesaid would be sufficient enough to comply with the requirement of justice with regard to the grievance of the petitioner. Till the District Judge or the nominated Judge does not conclude the enquiry, no further proceeding shall be held in the complaint case pending before the C.J.M., Siwan.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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