

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23133 of 2018

Manju Lath W/o Pawan Kumar Lath Resident of Village- Puranahiya, P.S.- Dhaka, District- East Champaran. At present residing at Flat No. 402, Shiva Enclave, Near Jalan Shop, Kankarbagh, P.S.- Kankarbagh, District- Patna- 800020

... .. Petitioner

Versus

1. The State Of Bihar through D.I.G. (Deputy Inspector General) of Police, Champaran Range, Bettiah.
2. Deputy Inspector General (D.I.G.) Police Champaran Range, Bettiah.
3. District Magistrate (DM) East Champaran, Motihari.
4. Superintendent of Police (S.P.) East Champaran, Motihari.
5. Sub- Divisional Police Officer (S.D.P.O.) Dhaka East Champaran, Motihari.
6. Station House Office (S.H.O.) Dhaka Police Station, East Champaran, Motihari.
7. Diwakar Kumar S/o Late Balbhadra Sharma resident of Village- Purnahiya Tappa Nnaur, P.S.- Ghorasahan, District- East Champaran at present Sri Krishna Nagar Mohalla, Hospital Road, Opposite Kali Mandir, P.S. Town Motihari, District- East Champaran.
8. Sudhakar Sharma S/o Late Balbhadra Sharma resident of Village- Purnahiya Tappa Nnaur, P.S.- Ghorasahan, District- East Champaran at present Sri Krishna Nagar Mohalla, Hospital Road, Opposite Kali Mandir, P.S. Town Motihari, District- East Champaran.

... .. Respondents

Appearance :

For the Petitioner :	Mr. Pramod Kumar Singh, Advocate
For the Respondent State:	Mr. Md.N.H.Khan, SC-1
	Mr. Harun Quareshi, AC to SC-1
For Respondent No.7 :	Mr. Anshuman Singh, Advocate
	Mr. Rakesh Kumar No.1, Advocate
For Respondent No.8 :	Mr. Shiv Shankar Sharma, Advocate
	Mr. Arun Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 01-05-2019 Following is the relief, which the petitioner is seeking :-

“That the petitioner seeks indulgence of this
Hon’ble High Court for the following reliefs :

(A) A writ in the nature of Mandamus or another



appropriate writ/writs, direction/directions commanding the respondents/state authorities/respondents Nos. 2 to 6 to protect the life and property of the petitioner which is in danger at the behest of criminals/antisocial elements.

(B) A writ in the nature of Mandamus or another appropriate writ/writs, direction/directions commanding the respondents Nos. 2 to 6 to behave as public servants and not to shy away from their duty and oath to work for the cause of the general public including petitioner.

(C) Directions to respondents Nos. 2 to 6 to take legal actions against respondent Nos. 7 & 8 as the “rule of law” prevails and not of the jungle raj of might is right.”

Mr. Pramod Kumar Singh, learned counsel appearing on behalf of the petitioner, has referred to Section 20 of the Bihar Police Act, 2007, to submit that it is the duty of Inspector General of Police/Deputy Inspector General of Police/District Superintendent of Police to depute additional police force on the application of any person at the cost of the person making such request. He has submitted that despite judicial pronouncements in favour of the petitioner dealing with her title, disturbances are being created by interested persons and her request made to the District Magistrate, East Champaran, Motihari, in this regard has so far not resulted into any action under Section 20 of the said Act.

Section 20 of the Act empowers the Inspector General of Police/Deputy Inspector General of Police/District



Superintendent of Police to employ additional police officer at the cost of a person making such request.

On perusal of the pleadings on record, I do not find any request was ever made by the petitioner to either of the police officials, who have the jurisdiction to take a decision under Section 20 of the Act. It is also to be noted that said power of the police officials under Section 20 of the Act is subject to general instructions of the District Magistrate of the district.

Mr. Singh has placed reliance on a decision of this Court in case of *Smt. Raj Kumari Devi vs. State of Bihar*, reported in **2010(1) PLJR 154**. The said decision is not of much use for the present case and does not take note of the statutory provisions under the Bihar Police Act, 2007. Further, no positive direction was issued in the case of *Smt. Raj Kumari Devi* (supra) to the officials to make available the additional police force as contemplated under Section 20 of the Act. The only direction, which had been given in the said case was to examine the matter and extend whatever protection that could be made available to the petitioner of that case. Since the petitioner has so far not approached the competent authorities under the Act, the said decision is of no help.



In the aforesaid background, this application is disposed of with the only observation that the petitioner shall be at liberty to take recourse to Section 20 of the Act by making appropriate application before the appropriate authority in accordance with law. If such application is made, the Court expects the authorities to consider the application and take a decision expeditiously.

This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

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