

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9143 of 2019

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Vishwa Prakash Kumar (minor), represented through his father Baleshwar Pandit, Son of Late Shyam Nandan Pandit, Resident of Village- Sihora, P.S.- Sigori, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna
3. Senior Superintendent of Police ,Patna
4. The S.D.O. Danapur, Patna
5. Julie Kumari (minor), daughter represented through Udai Pandit, son of not known, Resident of Village- Selarpur, P.S.- Naubatpur, P.O.- Terari, Distt.- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. R. K. Rajan
For the Respondent/s : Mr. Manish Kumar (Gp4)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-04-2019 Heard learned counsel for the petitioner and the respondents.

2. The prayer made in the present writ application is unsustainable under Article 226 of the Constitution of India.

3. If the ordinary law of land is available for protection, then remedy lies with the authorities under the common law and not to invoke the jurisdiction under Article 226 of the Constitution. Apprehension of this petitioner is that the private respondent may pressurize the marriage of minors in violation of the provisions of Hindu Marriage Act. The petitioner approached the authorities for protection but failed.



4. Under the Child Marriage Act, the Sub-Divisional Officer is the competent authority and as such petitioner is granted liberty to approach the Sub-Divisional Officer, Danapur, Patna, or any agency under the Cr.P.C. for protection, who shall exercise his discretion and perform the obligation to prevent the child marriage and also extend protection to the person deserving protection.

5. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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