

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1122 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

Vijay Singh @ Vijay Kumar Singh, Son of Late Brahm Dev Singh, Resident of Village- Barahpur Ward No. 1, Mor, P.S.- Mokama, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Police, Rural, Patna.
6. The Sub Divisional Police Officer, Barh, Patna.
7. Rajesh Ranjan, Inspector cum Station House Officer, Mokama, Police Station-Mokama, Barh, Patna.
8. Rajesh Kumar, Sub Inspector of Police Mokama Police Station, Mokama, Barh, Patna.
9. Mukteshwar Singh @ Sukar Singh, Son of Late Brahm Dev Singh, Resident of Village- Barahpur Ward No. 1, Mor, P.S.- Mokama, District- Patna.
10. Tarkeshwar Singh @ Mantu Singh, Son of Late Brahm Dev Singh, Resident of Village- Barahpur Ward No. 1, Mor, P.S.- Mokama, District- Patna.
11. Mahesh Singh, Son of Late Brahm Dev Singh, Resident of Village- Barahpur Ward No. 1, Mor, P.S.- Mokama, District- Patna.

... .. Respondents

Appearance :

For the Petitioner : Mr. Prem Ranjan Kumar, Advocate
For the Respondents-State: Ms. Divya Verma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 29-07-2019

Defects, as pointed out by the registry, are ignored.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. In the instant application preferred under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for issuance of a direction to the respondent nos. 6 to 8 to take further



action in terms of the order dated 27.05.2019 passed by the Sub Divisional Magistrate, Barh in a matter arising out of a proceeding under Section 144 of the Code of Criminal Procedure. The petitioner has further prayed with a direction be issued to the respondent nos. 9, 10 and 11 to stop construction on the land detailed in para 9 of the petition.

4. The application is thoroughly misconceived. Firstly, the supervisory jurisdiction of this Court under Article 227 of the Constitution of India can not be misused for the purpose of seeking execution of an order passed by a Sub Divisional Magistrate. Secondly, several disputed questions of fact have been raised in the application, which can not be decided in a writ petition and thirdly, as far as the prayer of the petitioner for directing the respondents no. 9, 10 and 11 to stop further construction over the land detailed in para 9 is concerned, the petitioner has an equally efficacious statutory remedy available under common civil law.

5. In that view of the matter, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2019
Transmission Date	NA

