

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2735 of 2017

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Devki Nandan Choudhary S/o Late Sukh Dev Choudhary @ Mangal Choudhary, Having regard to the facts and circumstances of the case,/o Chitragupt Nagar, Pokharia, ward no 37, Town thana, Dist-Begusarai
... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The District Magistrate, Begusarai.
3. The Police Superintendent, Begusarai.
4. The Sub Divisional Officers S.D.M, Begusarai.
5. The Deputy Superintendent of Police, Begusarai.
6. The Station House Officer, Town Thana, District- Begusarai.
7. Mr. Sanjay Kumar Diwakar S/o Sri Devki Nandan Choudhary, Chitragupt Nagar, Pokharia, Ward No.- 37, Town Thana, District- Begusarai.
8. Smt. Varsha Devi W/o Sanjay Kumar Diwakar, Chitragupt Nagar, Pokharia, Ward No.- 37, Town Thana, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Usha Kumari
For the Respondent/s : Mr.Md. N.H. Khan- Sc1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

12 10-07-2019 In compliance of the order of this Court, the learned District Magistrate, Begusarai and the learned Superintendent of Police, Begusarai are present in the Court. They have informed this Court that they are definitely in a position to restore the possession of the petitioner on the ground floor of the house in question and further, they undertake that appropriate security shall be provided to the petitioner herein and in case, any obstruction is created by the respondents no. 7 and 8, they shall be put behind bars. The learned District Magistrate further submits that a bond shall be secured from the respondents no. 7 and 8, under Section 107 Cr.P.C. so that there is



no dereliction and abrasion on the part of the respondents no. 7 and 8 and they do not commit breach of peace or tranquility. It is stated by the learned counsel for the petitioner that the property in question is the self acquired property of the petitioner but still the respondents no. 7 and 8 have forcefully occupied 1st floor of the said house and are adamant not to vacate the same. In this regard, this Court grants liberty to the petitioner to take appropriate steps in accordance with law for eviction of the respondents no. 7 and 8.

In view of the aforesaid undertaking given by the learned District Magistrate and the Superintendent of Police, Begusarai, this Court finds that there is no need to keep the matter pending, hence the present writ petition stands disposed of with a direction to the District Magistrate and the Superintendent of Police, Begusarai to restore the possession of the petitioner as far as ground floor of the house in question is concerned, obtain bond from the respondents no. 7 and 8, as aforesaid, provide security to the petitioner and in case of any misconduct or abrasion on the part of the respondents no. 7 and 8, take steps in accordance with law to put them behind bars.

(Mohit Kumar Shah, J)

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