

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15473 of 2019

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Dhananjay Kumar Pathak Son of Jagdish Pathak Resident of Harnarayanpur,
P.O.- Chaura, P.S.- Jamui, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate Jamui.
3. The District Magistrate Jamui.
4. The Sub Divisional Magistrate Jamui.
5. The Dy. S.P. (Town) Jamui.
6. The Circle Officer Jamui.
7. The Officer in Charge Jamui.
8. Devendra Pathak @ Rinku Pathak S/o Late Bhuneshwar Pathak Resident of Village- Harnarayanpur P.O.- Choura, P.S. and District- Jamui at present Resident of Mohalla- New Tola Bihari, Car of Stadium, P.O. and P.S.- Jamui.
9. Gunjan Pathak S/o Devendra Pathak @ Rinku Pathak Resident of Village- Harnarayanpur P.O.- Choura, P.S. and District- Jamui at present Resident of Mohalla- New Tola Bihari, Car of Stadium, P.O. and P.S.- Jamui.
10. Wife of Devendra Pathak @ Rinku Pathak Resident of Village- Harnarayanpur P.O.- Choura, P.S. and District- Jamui at present Resident of Mohalla- New Tola Bihari, Car of Stadium, P.O. and P.S.- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate
For the Respondent/s : Mr.Sangh Mitra Ghosh, AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 31-07-2019 Heard learned counsel for the parties.

This application has been filed seeking direction to the Sub-Divisional Officer, Jamui to initiate proceeding under Section 144 of the Cr.P.C. on the application which the petitioner has filed and is still pending.

It is the petitioner's case that the private respondents



are creating unnecessary obstruction in peaceful enjoyment of the petitioner over his land, description of which has been given in paragraph-1 of this application.

In my view, the Writ Court normally cannot issue a direction to the Sub-Divisional Officer to exercise his power under Section 144 of the Cr.P.C. which power can be exercised only if the Sub-Divisional Officer is satisfied about any apprehension of breach of peace.

Learned counsel appearing on behalf of the petitioner has submitted that the police has recommended initiation of proceeding under Section 107 of the Cr.P.C.

This Court need not comment on the said submission. It will be open to the petitioner to approach the appropriate authority/ forum for resolution of the dispute and the authorities shall be at liberty to act in accordance with law.

This application is accordingly disposed of.

(Chakradhari Sharan Singh, J)

Rajesh/-

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