

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16589 of 2019

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Dev Vilas Yadav S/o Late Bihari Yadav Resident of Village Basantpur,P.S.
Kurtha,Dist.Arwal

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Revenue Department,Govt. of Bihar,Patna
2. The District Magistrate, Jehanabad
3. The Sub Divisional Officer, Sub-Division-Jehanabad
4. The Circle Officer, Circle Jehanabad
5. The S.H.O. Police Station-Jehanabad, Dist.Jehanabad
6. Smt. Baby Devi W/o Santosh Yadav Resident of Village Kaithi Lodipur, P.S. Kurtha, District-Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-08-2019 Heard learned counsel for the parties.

2. This writ application has been filed seeking a direction to the respondents to initiate proceeding under Section 144 of the Code of Criminal Procedure, 1973 (hereinafter referred to as ‘the Code’) over the land bearing Khata No. 104, Plot no. 07, situate at Mauza Makhadumpur, Unta, Tola Teni Bigha, in the District of Jehanabad.

3. Learned counsel appearing on behalf of the petitioner has submitted that over the petitioner’s land, the private respondents are attempting to raise construction. He



further submits that the police have also submitted a report before the Sub-Divisional Officer, Jehanabad, recommending initiation of proceeding under Section 144 of the Code apprehending breach of peace. The Circle Officer, Jahanabd is also said to have made his recommendation.

4. Be that as it may, this Court exercising power under Article 226 of the Constitution of India is not required to direct the Sub-Divisional Officer, Jehabanad to initiate proceeding under Section 144 of the Code. It is purely the discretion of the Sub-Divisional Officer to take a decision of initiation of proceeding under Section 144 of the Code.

5. Considering the facts and circumstances, this application is disposed of with a direction that let the Sub-Divisional Officer, Jehanabad take a decision on the recommendation of the police and the Circle Officer, Jehanabad within two weeks from the date of receipt/production of a copy of this order.

6. This disposes of the application.

(Chakradhari Sharan Singh, J)

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