

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1265 of 2016

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Ajay Kumar Singh, Son of Surendra Prasad Singh, Resident of Mohalla - Vir
Kunwar Singh Path, Chandmari Road, Kankarbagh, Patna, Police Station -
Kankarbagh, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Govt. of Bihar, Patna
2. The District Magistrate, Patna
3. Madhav Kumar Singh, S/o not known to the petitioner, The Sub Divisional Officer, Patna Sadar, Patna
4. Rajiv Mohan Sahay, S/o not known to the petitioner, Executive Magistrate, Patna, Sadar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.
For the Respondent/s : Mr. M. Nasrul Huda Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 22-01-2020 No one appears on behalf of the petitioner.

Heard learned counsel for the State.

Petitioner has sought for following relief in this
application under Article 226 and 227 of the Constitution of
India:-

- (i) For quashing the notice dated 15.10.2016
issued under signature of respondent Sub-
Divisional Officer, Patna Sadar, to the
petitioner, whereby he has initiated a
proceeding under Section 133 of Cr.P.C. in



Case No. 1869(M)/ 2016 against the petitioner and has passed a conditional order for removing Chhajja of the house, which is totally beyond his jurisdiction.

(ii) For further to hold that initiation of proceeding under Section 133 of Cr.P.C. in Case No. 1869(M)/ 2016 against the petitioner and issuance of impugned notice in given facts of the case is wholly beyond jurisdiction of respondent no. 3 and is tainted with mala fide.

(iii) For further to stay further proceeding of under Section 133 of Cr.P.C. in Case No. 1869 (M)/ 2016 against the petitioner during pendency of this case.

(iv) For any other relief or reliefs for which the petitioner is found entitled in the facts and circumstances of the case.

None of the reliefs can be granted, to the petitioner in exercise of writ jurisdiction, as the Sub-Divisional Magistrate, Patna Sadar, who has issued the impugned notice dated 15.10.2016 in Case No. 1869(M)/2016, has got jurisdiction to



initiate proceeding under Section 133 Cr.P.C.

Legality or otherwise of the exercise of jurisdiction can be looked into by a competent court who can go into disputed question of fact. Therefore, this application is dismissed as devoid of any merit.

(Birendra Kumar, J)

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