

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.924 of 2020

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1. Sukhnandan Das @ Sukhnandan Prasad son of Bashudev Das Resident of Village- Lalase Bigha Bharthua P.S.- Kako, Distt.- Jehanabad.
 2. Smt. Usha Devi Wife of Sukhnandan Das Resident of Village- Lalase Bigha Bharthua P.S.- Kako, Distt.- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Distt. Magistrate Jehanabad.
2. The Distt. Magistrate, Jehanabad.
3. The Sub Divisional Magistrate, Jehanabad.
4. The Anchaladhikari Kako
5. Sachidanand Das Son of Sri Muneshwar Das Resident of Village- Lalase Bigha, P.S. Kako, Distt.- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-01-2020 Heard both sides.

The petitioners filed this writ petition for quashing the letter No. 853 dated 06.07.2019 (Annexure-7) issued by the Circle Officer, Kako addressed to the Superintendent of Police, Jehanabad that land of Khata No. 174, Khesra No. 202 area 43 decimal was recorded in the name of Chintaman Chamar and Suraju Chamar in the cadestral survey and there is bonafide land disputes between to sides.

The learned counsel for the petitioners submits that the Circle Officer issued direction not to make any construction over the land and copy of which was sent to the petitioners also. It is further submitted that the Circle Officer has got no jurisdiction to pass order not to make any construction on any



land. Proceedings under Section 107 and 144 of the Cr. P. C. were initiated but both the proceedings were dropped that the dispute is purely of civil nature and the parties may approach the competent court for redressal of their dispute.

Having considered the submissions of both sides, I find that the Circle Officer, who is a revenue authority, has not vested with power under any statute to direct a party not to make any construction and the Circle Officer may recommend or refer the matter to the concerned police station or to the S.D.M. for initiation of proceeding under Section 107 or 144 of the Cr. P. C. in order to prevent breach of peace. The S.D.M. is vested with power to restrain any party from going over the land or to make any construction in order to prevent the breach of peace.

Considering the facts aforesaid, I find that the part of letter restraining the petitioners not to make any construction is without jurisdiction and it has no binding effect on the petitioners.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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