

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1912 of 2017

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

Shailesh Srivastava @ Munna Srivastava Son of Umesh Chandra Srivastava,
Resident of Village- Belwa, P.S. Bhore, District Gopalganj.

... .. Petitioner

Versus

1. The State Of Bihar Through Chief Secretary, State Of Bihar, Patna
2. Chief Secretary, State of Bihar, Patna.
3. Director General of Police, Bihar, Patna.
4. Superintendent of Police, Gopalganj.
5. Deputy Superintendent of Police, Gopalganj.
6. S.H.O. Bhore, District- Gopalganj.
7. Satendra Kumar Sahi, Son of Late Umraw Sahi, Resident of Village- Bareitha, P.S.- Bijaipur, District- Gopalganj.
8. Ramdev Singh, Son of Jaymangal Singh, Resident of Village- Banwa, P.S.- Bhore, District- Gopalganj.
9. Dinesh Kushwaha, Son of Ramsagar Kushwaha, Resident of Village- Kodwalia, P.S.- Bijaipur, District- Gopalganj.
10. Riyasat Ali, Son of Nirzam Miyan, Resident of Village- Koharbalia, P.S.- Bijaipur, District- Gopalganj.
11. Bholu Kumar Madhesia, Son of Gandhi Prasad.
12. Balindra Yadav, Son of Shambhu Yadav.
13. Shesnath Yadav, Son of Late Matilal Sah.
14. Dileep Sah, Son of Late Nandlal Sah. Sl.No. 11 to 14 are Resident of Village- Mushari, P.S. - Bijaipur, District- Gopalganj.
15. Subhash Prasad Yadav, Son of Late Mahesh Prasad Yadav, Resident of Village- Bisunpura, P.S. Bijaipur, District- Gopalganj.
16. Sanjay Kumar Srivastava, Son of Rajaram Srivastava, Resident of Village- Balwa, P.S. Bhore, District- Gopalganj.
17. Ram Parwesh Gour, Son of Singhasan Gour, Resident of Village- Ramnagar, P.S. Bhore, District- Gopalganj.
18. Kumkun Ram, Son of Lutwan Ram, Resident of Village- Shivrajpur, P.S. Bhore, District- Gopalganj.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh, Advocate
For the Respondent/s : Mr.M. Nasrul Huda Khan SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD



ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner has moved this Court seeking following reliefs:-

“(i) For issuance of writ of Mandamus commanding the respondents authority to appropriate legal action after the institution of F.I.R. against private respondents to save the life and property of the petitioner from erroneous attempt of private respondent from dispossessing putting pressure of killing, threat of assault the petitioner, from the ancestral land without any valid deeds of transfer in favour of private respondents.

(ii) For issuance of writ of Mandamus commanding the respondent authority to institute a F.I.R. against the private respondent on the basis of application dated 9.1.14, 8.10.14 & 2.1.2017 filed by the petitioner before the authority so that private respondents may not take law in their hands creating law in order problems and disturb peace and harmony and tranquility in any manner.

(iii) For issuance of such other appropriate writ or order or direction which may deem fit and proper for ends of justice.”

The petitioner seems to have moved this court directly for lodgment of the F.I.R. against the Private Respondents. From the statements made in the writ application, it would appear that



according to the petitioner he has made a petition to the S.H.O. Bhorey on 19.4.14 and to the Collector, Gopalganj on 8.10.2014 as also to other authorities.

In the whole writ application this court finds no averments showing the compliance with the procedures laid down by the Hon'ble Supreme Court in the case of **Lalita Kumari vs. Government of Uttar Pradesh and ors** reported in **(2014) 2 SCC 1.** and **Priyanaka Srivastava vs. the State of U.P.** reported in **(2015) 6 SCC 287.**

In the case of **Sakiri Vasu vs. State of U.P. & ors.** reported in **AIR 2008 SC 907**, the Hon'ble Supreme Court has categorically held that an application for lodging of the F.I.R. need not be made directly to the High Court.

In the aforesaid view of the matter, this Court finds no reason to proceed with this writ application. It is dismissed accordingly.

The petitioner may, if so advise, seek his remedy elsewhere in accordance with law.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

