

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.912 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District- Kishanganj

MD. SHAMIM RABBANI Son of Abdul Ghafur Resident of village - Majhia,
Kaua Toli, P.S.- Kishanganj, District - Kishanganj.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna
2. The District Magistrate, Kishanganj.
3. The Superintendent of Police, Kishanganj.
4. The D.S.P., Kishanganj.
5. The Officer-in-Charge, Town Police Station, Kishanganj.
6. Govind Prasad Bihani Son of Nand Lal Bihani Resident of - Nimchand Road, P.O. and P.S.- Kishanganj, District - Kishanganj.
7. Shad Rabbani Son of Badruddin Resident of - Opposite Patna, P.S.- Gwalpokhar, District - North Dinajpur (West Bengal).
8. Saidur Rahman Son of Saimu Backs
9. Jahid Alam Son of Saimu Backs
10. Majid Son of Jahid
11. Arman Son of Jahid
12. Saiful Son of Saidul
13. Farman Son of Raisuddin
Serial No. 8 to 13 are Resident of Lahra Phulwabri, P.S.- Kishanganj, District - Kishanganj.
14. Mukhtar Son of Late Fajlur Rahman
15. Shafique Son of Late Fajlur Rahman
Both are Resident of - College Road, Safanagar, P.S.- Kishanganj, District - Kishanganj.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-09-2022 Learned counsel for the petitioner has mentioned the

matter for urgent hearing.

This writ application has been filed seeking a



direction to the Director General of Police, Bihar to take action against the Superintendent of Police and local police for their alleged unlawful act in supporting the private respondents in demolishing the house of the petitioner. By way of a second prayer the petitioner is seeking restoration of the residential house which has already been demolished.

In the nature of the reliefs prayed in this writ application, this Court is of the considered opinion that the remedy invoked by the petitioner by filing a criminal writ application is wholly misconceived. This Court sitting in its criminal writ jurisdiction is not supposed to look into the demolition, the causes of demolition, the involvement of the persons legally or illegally in the said demolition and then the relief to the extent of restoration of the demolished house. The remedy of the petitioner lies elsewhere.

This Writ Application is, thus, dismissed but with liberty to the petitioner to seek his remedy before appropriate court/forum in an appropriate jurisdiction.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

