

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1306 of 2017**

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

Radhika Raman Singh @ Radhe Son of Late Saryug Mandal, resident of  
Village- Bhiraha, P.S. Mednichowki, District- Lakhisarai.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Lakhisarai.
4. The Superintendent of Police, Lakhisarai.
5. The Sub-Divisional Officer, Sadar, Lakhisarai.
6. The Circle officer, Surajgarha Anchal, District- Lakhisarai.
7. The S.H.O. Mednichowki, Police Station, District- Lakhisarai.
8. Bishundeo Prasad Sinha, Son of Late Setho Mandal.
9. Kamleshwari Mandal, Son of Late Setho Mandal.
10. Vijay Mandal, Son of Late Surya Narayan Mandal.
11. Ajit Mandal, Son of Late Surya Narayan Mandal.
12. Ranjeet Kumar, Son of Ajit Mandal, Respondent No. 8 to 12 resident of  
Village- Bhiraha, P.O.- Amarpur, P.S. Mednichowki, District- Lakhisarai.

... .. Respondents

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate  
For the Respondent/s : Mr.Suman Kumar Jha, AC to AAG-3

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      16-11-2022                      Heard learned counsel for the petitioner and Mr.  
Suman Kumar Jha, learned AC to AAG-3 for the State.

Petitioner in this case is seeking a direction to the  
respondent authorities particularly the respondent no. 4 to  
provide sufficient police force to maintain law and order  
allowing the petitioner to erect boundary wall on the petitioner's



land bearing Khata No. 64, Khesra No. 365, Thana No. 53, Tauji No. 2672, area 24 decimals situated Mauja Tajpur Dodhara, P.S. Medinichowki, District- Lakhisarai.

Learned counsel for the petitioner submits that earlier a Measurement Case No. 55/14-15 was initiated by the Anchaladhikari, Surajgarha on the basis of an application submitted by the petitioner. A copy of the report of the Anchal Amin and Revnue Karamchari has been enclosed as Annexure '3', '4' and '5' to the writ application.

Learned counsel submits that even though the measurement has been done but the petitioner is not being allowed to construct boundary wall over the said piece of land. In this regard, the communication as contained in letter no. 1809 dated 01.09.2016 written by the Sub Divisional Officer, Lakhisarai to the Anchaladhikari, Surajgarha (Annexure '14') and a copy of the memo no. 1099 dated 15.10.2016 which is a copy of the letter written by Anchaladhikari, Surajgarha to Circle Inspector, Surajgarha (Annexure '15') have been referred to. It is submitted that because of non- availability of the force, the Circle Inspector is not giving effect to the order of the S.D.O., Lakhisarai.

On perusal of the record, this Court finds that even



though the petitioner has brought on record a copy of the order dated 28.11.2015 passed by the Sub- Divisional Officer, Lakhisarai, the final order passed by the Anchaladhikari, Surajgarha in the Measurement Case has not been brought on record.

Learned counsel for the State submits that in the given facts and circumstances of the case, it may only be just and proper to direct the Circle Officer, Surajgarha to look into the order passed by the S.D.O. (Annexure '10') and after hearing both the sides pass an appropriate order in the Measurement case. If final order in the measurement case has already been passed after hearing both the sides, then the Circle Officer, Surajgarha may take appropriate steps for execution of the order.

Having regard to the facts and circumstances of the case and the materials discussed hereinabove, this Court directs the Circle Officer, Surajgarha to examine the records of the Measurement case and in case it is found that the final order has already been passed in the said case after hearing both the sides and the same is not under challenge, he may proceed to execute the order in accordance with law and for this purpose if police force is required, upon his requisition to be made, the S.P.,



Lakhisarai shall provide adequate force for this purpose. This Court makes it clear that any order which is required to be executed by the Circle Officer must be an order after hearing both the sides and not under challenge before any competent authority/ court. This must be ascertained by him before going for execution of the order.

The entire exercise be completed within a period of three months from the date of receipt/ communication of a copy of this order.

This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

tusharika/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

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'.

