

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.246 of 2018

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

=====

Ghanshyam Kumar Jha, Son of Late Ram Shankar Jha, resident of Village-
Parari, P.S.- Biraul, District- Darbhanga.

... Petitioner

Versus

- 1.The State of Bihar through the Principal Secretary, Home Department,
Govt. of Bihar, Patna.
- 2.The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Darbhanga Range, Darbhanga.
4. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga.
5. The Senior Superintendent of Police, Darbhanga.
6. The Sub Divisional Police Officer, Benipur, Darbhanga.
7. The Officer Incharge, Biraul Police Station, Darbhanga.

... Respondents

=====

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha, Adv.
For the Respondent/s : Mr.Iqbal Asif Niyazi, AC to GP-5.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-09-2022 Petitioner in the present case is seeking the following
reliefs:-

“(I) For issuance of an appropriate writ/s,
order/s, direction/s to the respondent to initiate a
proceeding under Section 144 of the Cr.P.C. on the
written application filed by the petitioner before the
concern respondent on 31.10.2017 but in place of
initiating any proceeding against the respondent 2nd
set, the respondent no. 6 is sitting tight over the matter.

(ii) For issuance of an appropriate writ/s,
order/s, direction/s to the respondents to issue a
prohibitory order against the respondent 2nd set upon
the complaint filed by the petitioner herein so that the
peace and tranquility in the Village be maintained.

(iii) To pass such other order/s as your
lordships may deem fit and proper in facts and



circumstances of the case.”

The grievance of the petitioner is that despite a written complaint submitted by him in the court of S.D.M., Biraul on 31.10.2017 for initiating a proceeding under Section 144 of the Cr.P.C. against the respondent 2nd set, no order was passed thereon whereas on the complaint submitted by one Nand Kumar Thakur, Miscellaneous Case no.465 of 2014 was initiated and a notice was issued to the petitioner. The said proceeding was allowed vide order dated 07.08.2014 whereby and whereunder it was directed that if any party is aggrieved by the execution of registered sale deed then he may approach the competent Court of civil jurisdiction for deciding the right, title and interest.

The impugned order dated 07.08.2014 passed by S.D.M., Biraul in Miscellaneous Case no. 465 of 2014 was challenged in Cr. Rev. no. 100/14 in the court of learned Sessions Judge, Darbhanga and finally in the said case the order was set aside and revision was allowed. It was held that earlier in the garb of deciding the proceeding under Section 144 of the Cr.P.C., in fact the S.D.M., Biraul had tried to decide the right, title and interest which is beyond his jurisdiction.

It is alleged that the S.D.M., Biraul is in connivance with the respondent 2nd set and that is why he is not initiating



the proceeding under Section 144 Cr.P.C.

This Court finds that the writ application was filed in the year 2018, four years thereafter have gone therefore instead of passing any order on the basis of the averments made in this writ application, at this stage it would only be just and proper to observe that the petitioner, if so advised, may seek his remedy before the competent authority/ Court in accordance with law and in case any such application is filed by the petitioner, the same will be considered on its own merit. This Court has no made any observation on merits of the case.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U			
---	--	--	--

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'.

