

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.507 of 2018

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

Atlanta Limited a company registered under the provision of the Companies Act, 1956 having its office at 101, Shree Amba Shanti Chambers, Opposite Hotel Leela, Andheri Kurla Road, Andheri (E), Mumbai – 400059 through its authorized representative namely Sri Gopal Krishna Pillai, Resident of Flat No. A- 24, Seelam Srishti, Sector-3, Mira Road East, Police Station- Kashi Mira, Mira Road, District- Thane (Maharashtra).

... .. Petitioner

Versus

1. The State Of Bihar Through The Home Secretary, Patna
2. The Home Secretary, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Inspector General of Police, Government of Bihar, Patna.
5. The Divisional Commissioner, Patna Division.
6. The District Magistrate, Bhojpur.
7. The Senior Superintendent of Police, Bhojpur.
8. The Superintendent of Police, Bhojpur.
9. The Officer-In- Charge, Dawath Police Station, Rohtas.
10. M/s Vedika Construction through its authorized representative, having its office at South Chand Road, Gandhi Maidan, P.S.-Civil Lines, District-Gaya
11. M/s M.S. Construction through its authorized representative, having its office at Road No. 03, Lane No. 08, Chhotki Delha, Police Station -Civil Lines, District-Gaya.
12. M/s Saran Construction through its authorized representative, having its office at M.G. Nagar, Kanti Factory Road, Police Station Agamkuan, District-Patna
13. M/s J. Kumar Construction through its authorized representative, having its office at Road No. 03, Lane No. 08, Chhotki Delha, Police Station -Civil Lines, District-Gaya.
14. The Superintendent of Police, Rohtas

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Sanjeev Kumar, Advocate Mr. Pravashankar Mishra, Advocate Mr. Rajeev Shekhar, Advocate
For the Respondents	:	Mr.Md. N. H. Khan, S.C.-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 07-12-2022

Heard Mr. Sanjeev Kumar, learned counsel for the



petitioner and Mr. N.H.Khan, learned S.C.-1 for the State.

Petitioner in this case is a company incorporated under the provisions of the Company Act, 1956. The petitioner is looking for a direction to the respondent police authorities to provide security and safety to the petitioner company for safe and secure shifting of plant, machineries and equipments from the respective sites and consequent upon issuance of the same further direction has been sought four calling upon the Police authorities to restrain the private respondents from creating any hindrances and obstruction in safe and secure shifting of the plant, machineries and equipments from the respective sites.

Learned counsel for the petitioner submits that this petitioner had obtained a work contract for Four Lanning of Mohania Ara Section of NH-30 in the State of Bihar but due to some contractual issues and non-fulfillment of obligations by the government, the said contract was terminated by the SPV i.e. Mora Tollways Limited in the month of February, 2015.

It is further stated that during the period of construction the petitioner company had set up various camps bearing numbers 1, 2, 3 at Jagdishpur, Malliabagh and Hernatpur in the district of Bhojpur respectively where they had certain plants and equipments. According to the petitioner,



when the petitioner wanted to shift the plant, equipments and machineries lying at those camps, the private respondents started creating hindrances in shifting of machineries. They claimed that there were outstanding payments/dues against the petitioner and for that reason they will not allow the petitioner's company to shift the equipments.

In this case a counter affidavit has been filed on behalf of respondent no. 14 who is the Superintendent of Police, Rohtas. In paragraph '12' and '13' of the counter affidavit, it is stated as under:-

"12. That, S.D.P.O., Dehri vide Memo No. 795/Anu. Dated 16.06.18 has reported that Aatlanta Compnay has not worked in Dehri Subdivision and their materials are not lying in this area.

13. That S.D.P.O., Bikramganj has been directed by this Respondent vide Memo No. 2845/Go. Dated 17.06.18 to execute the order dated 07.05.18 and 18.05.18 passed by the Hon'ble High Court providing adequate security arrangement."

At this stage, Mr. Sanjeev Kumar, learned counsel for the petitioner has submitted that pursuant to the previous order of this Court, the petitioner has been provided security and with the assistance of the Police personnel the company has been able to shift it's plants and machineries. Learned counsel, however, submits that he has been provided with a list by the



petitioner showing that some more equipments are still there.
The said list is not part of this record.

In the aforementioned circumstance, this writ application is being disposed of as having become infructuous but with liberty to the petitioner that in case the petitioner faces any law and order problem in shifting of its equipments, the same may be brought to the notice of the Superintendent of Police, Rohtas who will look into the matter and will ensure that adequate security provided to the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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