

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.116 of 2022

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

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KRISHNA MOHAN KUMAR @ LALAN KUMAR Son of Late Bishundeo Prasad Resident of Village Kulhariya, P.S. - Parbatta, District - Khagaria, Bihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY GOVERNMENT OF BIHAR, PATNA
2. The Principal Secretary, Revenue and Land Reforms Deptt., Govt. of Bihar, Old Secretariat, Bihar, Patna.
3. The Inspector General of Police, Bihar, Patna. Bihar
4. The Commissioner, Munger Commissionery, Munger. Bihar
5. The Deputy Inspector General of Police, Munger. Bihar
6. The District Magistrate, Khagaria. Bihar
7. The Superintendent of Police, Khagaria. Bihar
8. The Sub-Divisional officer, Gogari, Khagaria. Bihar
9. Uma Kant Choudhary Son of Late- Deoki- Nandan Choudhary Resident of Village Bharso, P.S. - Parbatta, District - Khagaria, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Barun Kumar Choudhary, Mr. Sandeep Jha, Advocates.
For the Respondent/s	:	Mr. Mankeshwar Tiwari, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-08-2023 Heard the parties.

2. The petitioner has filed the present writ application for implementation of order dated 02.09.2021 passed in Misc. Case No. 863(M)/2021 under Section 144 of the CrPC.

3. Learned counsel for the petitioner submits that the petitioner through his ancestor is the owner of a piece of land *vide* Kebala No. 1900R dated 03.11.1936, Total Rakba 01 Bigha



05 Katha, 08 Dhur and 10 Dhurki, Khata No. 15, Khesra No. 647, Rakba 18 Kattha 02 Dhur and Khesra No. 641, Rakba 07 Kattha 06 Dhur and 10 Dhurki.

4. A proceeding under Section 144 CrPC was initiated against the private Respondent No. 9 and the learned SDO, Gogri, Khagaria *vide* his order dated 02.09.2021 has passed an order restraining the Respondent No. 9 from making any construction of house upon the disputed land till the finalization of Title Suit No. 6/1963.

5. Learned counsel for the State submits that a Civil Suit/Title Appeal and First Appeal are pending between the parties and the petitioner is trying to get the order under Section 144 CrPC implemented by way of present writ application.

6. I have heard learned counsel for the parties.

7. The grievance of the petitioner is that the order dated 02.09.2021 passed under Section 144 CrPC has not been followed by the private respondent. If that be so, the petitioner has remedy against private respondent no. 9 under Section 188 of the IPC. Accordingly, no order can be passed in the present writ application on the prayer of the petitioner for implementation of order dated 02.09.2021 passed in Misc. Case No. 863(M)/2021 under Section 144 of the CrPC exercising the



extraordinary writ jurisdiction.

8. The same is hereby dismissed.

(Anil Kumar Sinha, J)

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