

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.88 of 2022

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

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KUMAR CHITTARAJAN SINGH Son of Baidynath Prasad Singh Resident
of Village and P.O.- Jamuhar, Police Station- Dehri (Muffassil), District-
Rohtas. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department, Govt. of Bihar,
Patna
2. The District Magistrate, Rohtas Bihar
3. The Sub Divisional Officer, Dehri Bihar
4. The Circle Officer, Dehri Bihar
5. The Deputy Collector, Land Reforms, Dehri Bihar
6. The Superintendent of Police, Rohtas Bihar
7. The Officer In - Charge, Police Station Dehri (Muffasil), District- Rohtas.
Bihar
8. Shri Gopal Narayan Singh Son of Late Deo Narayan Singh Resident of
Village and P.O.- Jamuhar, P.S.- Dehri - on- Sone, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Sr. Adv. Mr. Ajit Kumar Sinha, Adv. Ms. Dilkash Khan, Adv. Mr. Pravin Kumar, Adv.
For the Respondent/s	:	Mr. Sanjay Kumar, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-08-2023 Heard learned counsel for the parties concerned.

Learned senior counsel for the petitioner submits that the petitioner has purchased a piece of land, measuring 1.27 acres, *vide* registered Sale Deed No. 1312, dated 20.12.1984, and after purchase he got the land mutated in his name and has been paying rent regularly. He further submits that the respondent no. 8, who is a Member of Parliament, in order to pressurize the petitioner to surrender the land in his favour has



got a gift deed of some portion of the same land purchased by the petitioner, executed *vide* Gift Deed No. 8683, dated 19.07.2007, from the vendor of the petitioner. The respondent no. 8 started making construction upon the land of the petitioner for which the petitioner lodged a complaint through his brother before the police. He next submits that the respondent no. 7-Station House Officer, Dehri (Muffasil) Police Station visited the site and recommended for institution of proceeding under Sections 107 and 144 of the Code of Criminal Procedure, but no action has yet been taken.

A counter affidavit has been filed by the State and referring to paragraph-9 of the counter affidavit, learned counsel for the State submits that the respondent no. 7-Station House Officer, Dehri (Muffasil) Police Station, visited the site and considering the apprehension of breach of peace, a Non-FIR No. 57, dated 24.12.2021, has been instituted for initiating proceeding under Section 144 Code of the Criminal Procedure and another Non-FIR No. 58, dated 24.12.2021, was also instituted for initiating proceeding under Section 107 of the Code of Criminal Procedure before the Sub-Divisional Officer, Dehri, in order to maintain peace between the parties.

Having heard learned counsel for the parties and



taking into consideration the fact that the concerned police station has instituted Non-FIR and recommended for initiation of proceeding under Sections 144 and 107 of the Code of Criminal Procedure, but no further action has been taken by the Sub-Divisional Officer, Dehri. Accordingly, I dispose the present writ application with direction to the Sub-Divisional Officer, Dehri-respondent no. 3, to take final decision upon the recommendation of the police authority for initiation of proceeding under Sections 144 and 107 of the Code of Criminal Procedure within a period of two months from the date of receipt/production of the copy of this order.

With the aforesaid observation and direction, this application is disposed.

(Anil Kumar Sinha, J)

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