

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12829 of 2015

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Anjani Kumar Singh @ Sanjiv Kumar Singh S/o late Lalbahadur Singh, R/o
Village- Jamurana, P.S.- Ramgarh, Distt.- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. Sharvan Kumar Singh S/o late Lalbahadur Singh, R/o Village- Jamurana,
P.S.- Ramgarh, Distt.- Kaimur, Bhabua
2. The State of Bihar through Director Consolidation Bihar, Patna
3. Consolidation Officer, Mohania, P.S.- Mohania, Distt.- Kaimur, Bhabua
4. The Deputy Director of Consolidation, Rohatas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rewti Kant Raman, Advocate
For the Respondent/s	:	Mr. Nadeem Seraj, GP-20

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 03-08-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

2. Learned counsel for the petitioner has filed this writ petition for issuance of direction to respondent no.3 to disposed of the petition dated 18.01.2014 filed on behalf of the petitioner to make an inquiry under Section 340 of the Code of Criminal Procedure against respondent no.1 and lodged criminal case against him as he played fraud upon him in order to grab the property of the petitioner.

3. Learned counsel for the petitioner submits that the application of the petitioner filed under Section 340 of Code

of Criminal Procedure dated 18.01.2014 was kept pending before the Consolidation Officer. He has not taken any action. Therefore, being aggrieved and dissatisfied due to inaction on the part of the Consolidation Officer, he has preferred Statutory Appeal under Section 341 of the Code of Criminal Procedure. which indicates that the appeal should be preferred before the Superior Court but the Superior Court has also not done anything. Thereafter, he has preferred the present writ petition for initiation of action under Section 340 of Code of Criminal Procedure.

4. Learned counsel for the State submits that in this petition, he has not pleaded anything specific that what fraud or what wrong under Section 340 of the Code of Criminal Procedure has been made.

5. In response, counsel for the petitioner submits that he has specifically made pleading in paragraph-11 of the petition.

6. In the light of the submissions made by counsel for the petitioner and counsel for the State and upon going through the provision of law, it is clear that filing an application under Section 340 of the Code of Criminal Procedure before the Court where the said fraud is alleged to be made is the correct

step. Filing appeal under Section 341 of Code of Criminal Procedure due to inaction under Section 340 of Code of Criminal Procedure is also the correct step taken by the petitioner. But these steps are subject matter relating to Code of Criminal Procedure, 1973. Section 340 of Code of Criminal Procedure is basically a methodology in which cognizance has to be taken by the Court against the person who used to interfere in the administration of justice and in this view of the matter, the remedy for the petitioner against the said inaction on the part of the officials for not to act under section 340 of Code of Criminal Procedure or under Section 341 of Code of Criminal Procedure shall lie in the opinion of this Court under Section 482 of Code of Criminal Procedure and not in the writ jurisdiction.

7. In this view of the matter, the present writ petition is disposed off with the aforesaid observation.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	