

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48101 of 2015

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

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1. Bashisht Thakur and Anr
 2. Ranjeet Thakur Both Sons of Bishwanath Thakur, Resident of Village- Lohiyaria, Tola- Yadochhapar, P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Lalan Singh S/o Late Sukhdeo Singh, Resident of Village- Lohiyaria, Tola- Yadochhapar, P.S.- Chanpatia, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. D.P.Tiwaryapp

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Learned counsel for the petitioner submits that the present application has been filed seeking quashing of the order dated 07.11.2014 passed by the learned Sub-Divisional Magistrate, Bettiah, Sadar Bettiah, West Champaran, in Case No. 635 of 2014 whereby the land of the petitioner appertaining to *Khata No. 38* Plot No. 1210 measuring 14 *katthas*, 17 *dhur* falling within village Lohiyaria, Tola Yadochhapar of Chanpatia Police Station of District West Champaran has been attached under Section 146 CrPC. Learned counsel submits that a proceeding, under Section 144 CrPC, was initiated based on the



police report in between the parties against which the petitioner had moved the learned Third Additional District and Sessions Judge, Bettiah, Wesh Champaran by filing Cr. Revision no. 239 of 2013 which was allowed by order dated 12.12.2014 with an observation that the order dated 16.08.2013, whereby proceedings under Section 144 CrPC was initiated stands quashed and the parties were directed to approach the learned Civil Court for getting the matter adjudicated. Learned counsel next submits that instead of approaching the Civil Court, the O.P. No. 2 filed an application dated 16.03.2014 before the concerned P.S. for initiation of proceeding under Section 145 CrPC, accordingly, the proceedings under Section 145 CrPC was initiated and during the pendency of the proceeding under Section 145 CrPC for deciding possession over the land, the Sub-Divisional Magistrate, Bettiah, Sadar attached the land under Section 146 CrPC by order dated 07.11.2014.

3. Learned counsel next submits that the matter is pending adjudication before the Sub-Divisional Magistrate, Bettiah Sadar West Champaran since 2014 and the case has not progressed, it is next submitted that the land belongs to the petitioner over which the O.P. No. 2 are claiming title, it is further submitted that a proceeding under Section 145 CrPC, at



best, decides possession but then the same, in no manner, can give rise to title at the same time, it is also submitted that the matter cannot remain without adjudication for years and years.

4. Considering the submissions made by the learned counsel for the petitioners, the present quashing application is disposed of with a direction to the Sub-Divisional Magistrate Bettiah, Sadar Bettiah, West Champaran to expeditiously decide case No. 635 of 2014 preferably within a period of six months from the date of receipt/production of a copy of this order.

5. The quashing application is thus disposed of.

(Satyavrat Verma, J)

HarshPandey/-

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