

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19098 of 2015**

=====

Ashok Prasad Sah son of Late Bishwanath Prasad Sah, resident of Nagar Panchayat, Jhanjharpur, Ward No. 9, P.S.- Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Madhubani.
3. The Sub- Divisional Officer, Jhanjharpur, P.S.- Jhanjharpur, District- Madhubani.
4. The Anchal Adhikari, Jhanjharpur, P.S.- Jhanjharpur, District- Madhubani.
5. Yogendra Kumar Dhawan, son of Bansilal Dhawan, resident of Jhanjharpur, Bansilal Dental Clinic, P.S.- Jhanjharpur, District- Madhubani.
6. Bansilal Dhawan, son of Late Himta Ram Dhawan, resident of Jhanjharpur, Bansilal Dental Clinic, P.S.- Jhanjharpur, District- Madhubani.
7. Ayodhya Sah, son of Late Rameshwar Sah, resident of village- Jhanjharpur, P.S.- Jhanjharpur, District- Madhubani.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Prabhas Ranjan, Adv.  
For the Respondent/s : Mr. Manish Kumar, (AC to AAG-6)

=====

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 18-09-2023**

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

2. Learned counsel for the petitioner fairly submits that he has challenged the order dated 07.09.2015 which is Annexure-5 by which a notice has been issued at the level of the Circle Officer to the petitioner in compliance of letter no. 158 dated 13.08.2015 issued by the S.D.O., Jhanjharpur, District- Madhubani.

3. Learned counsel for the State raised preliminary objection and submits that the Circle Officer, Jhanjharpur, District- Madhubani has issued the said notice merely in compliance of the order passed by the S.D.O., Jhanjharpur, District- Madhubani who is superior from the Circle Officer, Jhanjharpur, District- Madhubani.

4. Learned counsel for the State further submits that under Rule of executive business, the Circle Officer, Jhanjharpur, District- Madhubani is bound to follow the order passed by the S.D.O., Jhanjharpur, District- Madhubani. Counsel further submits that from the pleadings, it transpires that the dispute between the petitioner and private respondents for the land on which an order under Section 133 of the Cr.P.C. has been passed which has been challenged before this Court by the petitioner by way of filing an I.A. No. 3008 of 2016.

5. Learned counsel for the petitioner fairly submits that after filing of the I.A. No. 3008 of 2016, the petitioner is not in contact with him.

6. Learned counsel for the State submits that the actual remedy lies to the petitioner is to challenge the said order passed under Section 133 of the Cr.P.C. before the appropriate forum.

7. In this background, the present writ application is disposed of granting liberty to the petitioner to challenge the said order passed under Section 133 of the Cr.P.C., due to this reason, the said letter which is under challenge dated 07.09.2015 has been issued against the present petitioner. The petitioner shall challenge the said order within 30 days from the date of notification of this order, if not challenged earlier.

**(Dr. Anshuman, J.)**

sadique/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 22.09.2023 |
| Transmission Date | NA         |