

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1019 of 2022
Arising Out of PS. Case No.- Year-0 Thana- District- Jehanabad

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1. ANIL KUMAR SHARMA S/O LATE VIJAY SHARMA Resident of village- Terra, P.O- Terra, P.S.- Karpi, District- Arwal, State- Bihar and Pin Code- 804419
 2. MRITUNJAY KUMAR SHARMA S/O LATE SHIVA ANUGRAH NARAYAN SINGH Resident of village- Terra, P.O- Terra, P.S.- Karpi, District- Arwal, State- Bihar and Pin Code- 804419
 3. CHANDRA MANI PRASAD SHARMA S/O LATE BINDESHWARI PRASAD Resident of village- Terra, P.O- Terra, P.S.- Karpi, District- Arwal, State- Bihar and Pin Code- 804419
 4. DEVENDRA SHARMA S/O LATE BALESHWAR SHARMA Resident of village- Terra, P.O- Terra, P.S.- Karpi, District- Arwal, State- Bihar and Pin Code- 804419
 5. NAGENDRA SHARMA S/O LATE TAPESHWAR SHARMA Resident of village- Terra, P.O- Terra, P.S.- Karpi, District- Arwal, State- Bihar and Pin Code- 804419

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate Arwal BIHAR
2. Block Development Office Karpi, Arwal BIHAR
3. Circle Officer Karpi, Arwal BIHAR
4. Sub- Divisonal Officer, Arwal BIHAR
5. The Superintendent of Police, Arwal BIHAR
6. Station House Officer (SHO), Karpi, P.S.- District- Arwal BIHAR
7. BIMLA DEVI W/O SANJAY CHANDRAVANSI PANCHAYAT SAMITI MEMBER Resident of Village and Post- Terra,P.S.- Karpi, District- Arwal Bihar-804419
8. DHANANJAY SHARMA @ MUNTUN S/O RAMADHAR SHARMA Resident of Village and Post- Terra,P.S.- Karpi, District- Arwal Bihar-804419
9. SATISH SHARMA AND SANTOSH SHARMA S/O LATE SURMANI SHARMA Resident of Village and Post- Terra,P.S.- Karpi, District- Arwal Bihar-804419
10. MITHILASHRAN SINGH S/O LATE DAMRI SINGH Resident of Village and Post- Terra,P.S.- Karpi, District- Arwal Bihar-804419
11. RAJNATH SINGH S/O LATE SUKHAL SINGH Resident of Village and Post- Terra,P.S.- Karpi, District- Arwal Bihar-804419
12. LAKSHUMAN SINGH S/O YOGENDRA CHANDRAVANSI Resident of Village and Post- Terra,P.S.- Karpi, District- Arwal Bihar-804419
13. BHIKHAR SAW S/O LATE RAMJANM SAW Resident of Village and Post- Terra,P.S.- Karpi, District- Arwal Bihar-804419



14. RAM KUMAR SAW S/O GOPAL SAW Resident of Village and Post- Terra,P.S.- Karpi, District- Arwal Bihar-804419
15. AJAY SAW AND VIJAY SAW S/O LATE FAGU SAW Resident of Village and Post- Terra,P.S.- Karpi, District- Arwal Bihar-804419
16. SIDHNATH SAW S/O LATE RAM DAS SAW Resident of Village and Post- Terra,P.S.- Karpi, District- Arwal Bihar-804419
17. RAMNANDAN SINGH S/O LATE UPADHYA SINGH Resident of Village and Post- Terra,P.S.- Karpi, District- Arwal Bihar-804419
18. GOVERDHAN YADAV S/O SHIVBRAT YADAV Resident of village- Bandopur, Post- Terra, P.S.- Karpi, District- Arwal, Bihar- 804419

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Nagendra Sharma, Advocate
For the Respondent/s : Mr.Deepak Kumar, AC to GP- 4

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-01-2023 Heard learned counsel appearing on behalf of the
petitioners.

Learned counsel, Mr. Deepak Kumar, AC to GP-4,
who appeared and accepted notice on behalf of the State
Respondents No. 1 to 6.

From the submissions, as raised by learned counsel
appearing on behalf of the petitioners, it appears that a land of
area about one thousand square feet belongs to petitioners was
filled up with soil by respondent nos. 7 to 18, where respondent
no. 7 is a Panchayat Samiti Member, whereas rest of the
respondents are private persons, where a prayer was made to
issue a writ against State respondents including respondent no.
7, who is a Panchayat Samiti member.

Learned counsel appearing on behalf of the State



respondents submitted that from the averments as set out through present criminal writ petition, it appears that it is a case of public nuisance for which petitioners may take steps in view of Sections 144 of the Cr.P.C. It is also submitted that nuisance created by private persons cannot be the subject of present writ petition and as such, same is not maintainable, where petitioners may avail alternate remedies, as available under the law including proceeding under Section 144 of the Cr.P.C.

At this junctures, after short argument, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present criminal writ petition with liberty to raise all such issues before the District Magistrate, Arwal/concerned authorities and also to exercise his legal right under Section 144 of the Cr.P.C.

However, any representations filed within three (03) weeks before D.M. or concerned authorities, same be disposed of within 03 months in accordance with law.

Considering the submissions, as above, present writ petition is disposed of, however with aforesaid liberty.

(Chandra Shekhar Jha, J)

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