

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.73 of 2021

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

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1. Santosh Kumar Son of Janardan Prasad Resident of Mohalla - Bichli Khandakpar Town Biharsharif, P.S. Biharsharif District - Nalanda.
 2. Ranjeet Kumar S/O Late kameshwar Singh Resident of Mohalla - Bichli Khandakpar Town Biharsharif, P.S. Biharsharif District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary Govt. of Bihar Patna.
2. The District Magistrate, Nalanda at Biharsharif Bihar
3. The Sub- Divisional officer -cum- House Controller Biharsharif, Nalanda. Bihar
4. The Circle Officer Anchal Biharsharif, Nalanda. Bihar
5. The Superintendent of Police, Nalanda at Biharsharif Bihar
6. The Officer -In-Charge, Laheri Biharsharif Nalanda. Bihar
7. Rakesh Kumar Son of Late Yogendra Choudhary Resident of Mohalla - Alamganj, Town Biharsharif, P.S. Biharsharif District - Nalanda.
8. Ranjan Kumar Son of Late Yogendra Choudhary Resident of Mohalla - Alamganj, Town Biharsharif, P.S. Biharsharif District - Nalanda.
9. Sunil Kumar S/o late Sita Ram Choudhary Resident of Mohalla - Alamganj, Town Biharsharif, P.S. Biharsharif District - Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-02-2023 Heard counsel for the parties.

In the present case, petitioner has prayed for execution of an order dated 27.05.2019 passed by House Controller-cum-Sub-Divisional Officer, Biharsharif, Nalanda in the Case No. 03 of 2018.

The power conferred upon the High Court by virtue



of an Article 226 of the Constitution of India cannot be invoked for execution of an order passed by statutory body. There is specific provision in the Act itself under Section 23 of Bihar Buildings (Lease, Rent & Eviction) Control Act, 1982 for execution of the orders of the controller.

It is settled law that a right stems from a statute, the remedy of its enforcement, if expressly provided, must also be sought for within the same statute. The writ court is not the remedy of the first instance where others exist. It is the remedy of last resort. If the legislature, in its wisdom provides an expressive machinery for settlement and adjudication, it is not for the High Courts to override and nullify that matter.

In that view of the matter and the principle laid down in the aforesaid Act, this writ petition is not maintainable. Accordingly, this writ petition stands dismissed.

(Prabhat Kumar Singh, J)

vinita/-

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