

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18875 of 2018

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Rajesh Prasad Son of Dwarika Prasad Resident of Village-Obra, P.S. Obra
Distirct-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue & Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms Govt. of Bihar, Patna.
3. The District Magistrate Aurangabad.
4. The Sub-Divisional Officer, Daudnagar District-Aurangabad.
5. The Circle Officer Obra Distirct-Aurangabad.
6. The Superintendent of Police, District-Aurangabad.
7. The Officer In-charge Police Station, Obra Distirct-aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-08-2024 Heard the parties.

2. On being aggrieved by the illegal obstruction in enjoyment of his property at the hands of some of the anti-social elements, the petitioner had approached before the Circle Officer. The Circle Officer after verification of all the records and documents produced by the petitioner vide its letter no. 272 dated 16.04.2016 directed the SHO, Obra Police Station to take appropriate action and restrain the anti-social elements to make any construction over the land of the petitioner.

3. Despite the order being passed by the Circle Officer, as noted hereinabove, in the name of maintaining



peaceful position, the concerned police station in stead of restraining the anti-social, restrained the petitioner to make any construction over his land in the wake of maintaining law and order situation. Such restraintment order was passed way back on 30.06.2016 in Case No. 930 of 2016 under Section 144 of the Cr.P.C. It is next contended that despite the fact that the effect of the order passed under Section 144 of the Cr.P.C. came to an end, still the petitioner has not been allowed to construct any construction over his land. Thus, in such a situation, left with no option, the petitioner approached before the District Magistrate by filing an appropriate application as contained in Annexure-6 to the writ petition.

4. On the other hand, learned Advocate for the State contended that as the effect of the order passed under Section 144 of the Cr.P.C. has already lost its force, the apprehension of the petitioner is unfounded.

5. Having considered the submissions advanced on behalf of the respective parties and taking note of the averments made in the writ petition, it deems it apt and proper to dispose of the writ petition with a direction to the District Magistrate, Aurangabad to look into the matter and ensure appropriate direction to the concerned Circle Officer as well as Police



Station to act in accordance with law. It is expected that the entire exercise must be completed preferably within a period of twelve weeks, from the date of receipt/production of a copy of this order. Suffice it to say that if there is any dispute with regard to boundary/measurement of land the petitioner is at liberty to avail the remedy available under the law.

6. The writ petition stands disposed off.

(Harish Kumar, J)

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