

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2614 of 2024

Suresh Singh Son of Late Sukhdev Singh @ Sukhdev Prasad Singh Resident of Village- Hansi Kewal, Post Office- Hansi Kewal, Police Station- Bhagwanpur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Vaishali.
3. The Superintendent of Police, Vaishali.
4. The Sub-Divisional Magistrate, Hajipur, Vaishali.
5. The Anchal Adhikari (Circle Officer), Bhagwanpur, District- Vaishali.
6. The Station House Officer (S.H.O.) Police Station- Bhagwanpur, District- Vaishali.
7. The Assistant Sub Inspector, Bhagwanpur, District- Vaishali.
8. Shambhu Singh Son of Late Indradev Singh Resident of Village- Hansi Kewal, Post Office, Hansi Kewal, Police Station- Bhagwanpur, District- Vaishali.
9. Ranjeet Singh Son of Late Awadh Bihari Singh Resident of Village- Hansi Kewal, Post Office, Hansi Kewal, Police Station- Bhagwanpur, District- Vaishali.
10. Randheer Singh Son of Late Awadh Bihari Singh Resident of Village- Hansi Kewal, Post Office, Hansi Kewal, Police Station- Bhagwanpur, District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Pankaj, Advocate

For the Respondent/s : Mr.Sanjay Prasad, AC to AAG--4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-08-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For issuance of an appropriate writ(s) / order(s) / direction(s) in the nature of Mandamus commanding and directing the



respondents concerned to ensure the compliance of the order dated 27.04.2022 passed by the Executive Magistrate, Hajipur in Case No.- M1/951/18, Tril No.- 07/22 under Section 147 of Code of Criminal Procedure whereby and where under the Executive Magistrate has ordered the opposite parties (the present private respondents) to vacate the passage/pathway approaching from main road to the house of the petitioner which was being used by the ancestors of the petitioner and thereafter by the petitioner, since many years and the same has been completely obstructed/closed by the private respondents by constructing a boundary wall over the land bearing plot no. 590 and 595, resulting in complete closure of ingress and egress of the petitioner.

(ii) For necessary direction upon the respondents concerned to remove the illegal construction made by the private respondents over the land in question, bearing Khata No. 155, Plot No. 595 (old Plot no. 666) and Khata no. 283, Plot No. 590 (old Plot No. 667), situated under Mauza- Hansi Kewal, Circle & P.S.- Bhagwanpur, District- Vaishali.

(iii) For necessary direction upon the respondents concerned to provide smooth ingress and egress for the petitioner.

(iv) For restraining the private respondents no. 8 to 10 from making further construction over



the land in question.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the Executive Magistrate, Hajipur to execute the order, passed by him on 27.04.2022, in Case No.M1/951/18, Trial No.07 of 2022, under Section 147 of the Code of Criminal Procedure.

3. Per contra, the learned counsel for the respondent-State submits by referring to the counter affidavit, filed in the present case that the aforesaid order dated 27.04.2022, has been challenged by the opposite party no.07 by filing a criminal revision, bearing Criminal Revision Case No.158 of 2022, before the learned Court of ADJ-II, Vaishali at Hajipur, however, upon an inquiry being made by this Court, regarding the status of the same, the learned counsel for the respondent-State is not in a position to inform even as to whether any stay has been granted by the learned trial Court or not.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Executive Magistrate, Hajipur to inquire into the matter and find out as to whether any stay has been granted by the learned trial Court in the aforesaid Criminal Revision Case No.158 of 2022 or not and in case there is no stay, he shall proceed to execute his order dated



27.04.2022, by taking recourse to the due process of law.

5. It is needless to state that the entire exercise shall be completed within a period of eight weeks of receipt/production of a copy of this order.

6. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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