

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14512 of 2023

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1. Parmeshwar Dubey S/o Late Babu Lal Dubey R/O Vill.- Sonkara, P.O- Santhi, PS,- Asav, Prakhand- Andr, Distt.- Siwan
 2. Chandra Bhushan Dubey S/O Parmeshwar Dubey R/O Vill.- Sonkara, P.O- Santhi, PS,- Asav, Prakhand- Andr, Distt.- Siwan
 3. Jaynarayan Dubey S/O Parmeshwar Dubey R/O Vill.- Sonkara, P.O- Santhi, PS,- Asav, Prakhand- Andr, Distt.- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Revenue and Land Reforms Bihar, Patna
2. District Magistrate-cum-Collector, Siwan
3. Additional Collector, Siwan
4. Circle Officer, Andar, Siwan
5. Block Development Officer, Andar, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Parth Gaurav, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (AAG 12)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-03-2024 Heard learned counsel for the petitioners and the State.

2. The present petition has been preferred for the following reliefs:

(i) to remove the road constructed illegally over the disputed land by the respondent authorities, title of which belong to the petitioners;

(ii) to compensate the petitioners with sum of Rs. 10 lacs for the loss suffered by them due to wrong infringement of right



of the petitioners enshrined under article 300-A of Constitution of India;

(iii) to direct the respondent authorities do not disturb the possession of the Petitioner over the disputed land hence forth.

3. Learned counsel for the petitioners submit that on his Raiyati land, road has been constructed and he has taken this Court to different annexures to submit that they approached all the respondents including the Station House Officer, Asaon P.S. Siwan as also petitioning the District Magistrate, Siwan without any response.

4. Upon query, why the SHO did not lodged the FIR, learned State counsel submitted that once an aggrieved person approaches the police station, the concerned police officials are required to lodge FIR and will verify whether it actually happened.

5. This Court has found that in number of cases, the citizen approaches the Court stating that the SHO and/or the police officer of a concerned police station chose not to lodge the FIR despite approaching them. The Superintendent of Police, Siwan is directed to look into the matter and do the needful.

6. Instead of keeping the case pending, it would be



appropriate that the petitioners approach the Collector, Siwan with all the relevant documents in support of his case.

7. If the said representation is filed within a period of four weeks from today, the Collector, Siwan is duty bound to take the same to its logical conclusion within six months after getting an enquiry report from the concerned officials so that the grievance of the petitioner is redressed.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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