

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.613 of 2022

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

BIRENDRA PODDAR S/o Late Lakheshwar Poddar Resident of Village-
Mahaddipur, P.S.- Pasraha, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Khagaria Bihar
3. Sub- Divisional Magistrate, Gogri, District- Khagaria. Bihar
4. Anchal Adhikari, Parbatta, Sub- Division- Gogri, District- Khagria. Bihar
5. Officer- in- Charge, Pasraha, P.S.- Pasraha, District- Khagaria. Bihar
6. Amar Kumar Sinha S/o Late Kameshwar Prasad Sinha Resident of Village-
Laxmi Nagar, P.O. and P.S.- Gogri, District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Manoj Kumar Sinha, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-10-2025 The present criminal writ petition has been filed
seeking following relief(s):

*“(i) To quash the Letter bearing D.B No.
318 dt. 31.03.22 in Case No. 468(M)/ 1994 U/s
145 Cr.P.C. issued under the signature of Sub-
Divisional Magistrate, Gogri to vacate the
disputed land on the basis of an order dt.
19.01.18 passed by the Hon’ble Court in
Cr.W.J.C. No. 702/ 16 and to restrain the
state/respondents from vacating the land under
dispute till disposal of this application as in the
land possess by the petitioner his pucca
residential house in which the petitioner with*



their family member are living.

(ii) To pass any such other order or orders as this Hon'ble Court thinks fit & proper under the facts & circumstances of this case."

2. Learned counsel for the petitioner submits that in the light of orders of this Court dated 19.01.2018 passed in Criminal Writ Jurisdiction Case No. 702 of 2016, the petitioner has vacated the land in question. Learned counsel further submits that the petitioner of Cr.WJC No. 702 of 2016 has now sold out the land in favour of the petitioner.

3. Learned counsel appearing on behalf of respondents-State submits that the present writ petition is completely misconceived as in order to circumvent the order dated 19.01.2018 passed in Cr.WJC No. 702 of 2016, the present writ petition has been filed. The Sub Divisional Magistrate, Gogri proceeded in the matter towards compliance of aforesaid order of this Court dated 19.01.2018 and the petitioner, in order to frustrate the claim of the petitioner of Cr.W.J.C. 702 of 2016, filed the present petition.

4. Apparently, the present writ petition has been filed under misconceived notion and to stop the execution of the order dated 19.01.2018 of the Co-ordinate Bench and hence, it



is not maintainable. Moreover, as the learned counsel for the petitioner admitted that the petitioner has already vacated the land in question and the orders of the learned Co-ordinate Bench dated 19.01.2018 passed in Cr.W.J.C. No. 702 of 2016 also stands complied, nothing remains in the present matter and the same is disposed of as such.

(Arun Kumar Jha, J)

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