

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1257 of 2025

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

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Avinash Kumar Son of Late Ramadhar Sharma Resident of A3 Professor colony ward no 29 Near aghori Bazar chowk Masaurahi, Muzaffarpur, District- Muzaffarpur, Bihar 842002, Permanent resident of Village- Loma, P.O.- Loma, P.S.- Tisiauta, Distt.- Vaishali (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the D.M. Vaishali, Hajipur Vaishali, Hajipur
2. The Sub Divisional Magistrate (SDM), Mahua Vaishali Bihar
3. The Circle Officer, Jandaha, District- Vaishali Bihar
4. The Station House Officer (SHO), Police Station Tisiauta, Distt.- Vaishali Bihar
5. Amitabh Kumar Son of Late Ramadhar Sharma Resident of Village- Loma, Post- Loma, P.S.- Tisiauta, circle Jandaha, Distt.- Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Respondent/s : Mr. G.P 26

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 07-07-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. This application has been filed for the following

reliefs:

I. To issue a writ in the nature of certiorari to set aside the order dated 15.05.2025 vide case no. 140/2025 issued by the S.D.M., Mahua Vaishali whereby the petitioner is prohibited to go to and work at his land where on he has established his Petrol Pump in the name & style of M/s Rama Fuel Centre K.S.K. on plot no. 4099 under Khata No. 565 Area 25



Decimal out of 28 decimal since 2017.

II. To issue a writ in the nature of Mandamus directing the respondent to not disturb the peaceful ideal life of the petitioner and his exclusive property at the illegal influence of the private respondent no.5, where on he has been doing his business of fuel selling at his petrol pump for more or less 7 years.

III. To hold and declare that the local state Authorities have illegally imposed the sec-163 BNS 2023 once again notwithstanding the earlier action taken u/s 144 converted into u/s 145 which was set aside vide order date 17.02.2024 in Criminal Revision Case No. 203/2022 passed by the Hon'ble Justice Mr. Bibek Chaudhary (J).

IV. To restrain the respondent authorities from disturbing the petitioner by enforcing abused process of law which is bad in the frame of law emerging from articles 19(1)(g) & 21 of the constitution of India.

V. To hold and declare that the state Authorities are obligated to obey and comply the order/opinion of this Hon'ble Court as expressed in aforesaid Cr. Revision Case No. 203/2022 and accordingly should not disturb this petitioner without having any valid reason and cause of action.

3. Pursuant to the order dated 30.06.2025, the S.D.M., Mahua, Vaishali has appeared. He has submitted that after



coming to know about the order of this Court, the proceeding was dropped.

4. In these circumstances, nothing remains in this case and accordingly, this application is disposed of.

(Sandeep Kumar, J)

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