

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17174 of 2018

Radhe Shyam Chaudhary S/o Ram Bahadur Chaudhary Resident of Village-Sherpur, P.S.-Vidyapati Nagar, District-Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Samastipur.
3. The S.D.M. Dalsingsaray, Samastipur.
4. The C.O., Vidyapati Nagar, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad (GP-14)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-02-2025 Heard Learned Counsel for the petitioner and Learned Counsel for the State.

2. The present writ petition has been filed in the nature of mandamus directing the respondents concerned to conduct the Bid of the seized land which is the subject matter of M.R. No.357 of 2008 under Section 145 of the Cr.P.C and whose land has been seized under Section 146(1) of the Cr.P.C. by order passed by the S.D.M., Dalsingsarai *vide* order dated 24.12.2008.

3. Learned Counsel for the petitioner submits that he has very limited prayer to direct the respondent to conduct the Bid of the seized land.



4. Learned Counsel for the State submits that counter affidavit has been filed and from the said counter affidavit, it become crystal clear that the bid has been settled initially in favour of the Advocate who was appointed as receiver and thereafter, in favour of one Sanjit Singh another Advocate. Subsequently, when the receiver failed to deposit the bid amount, the Circle Officer, Vidyapatinagar has been appointed as receiver in the said land. Counsel submits that from the pleading, it transpires that in-spite of every effective step, second party did not turned up to participate in the open bid due to which the temporary settlement of seized land could not be done. But from Annexure-B, it transpires that one Narendra Kumar has been temporarily settled this land.

5. In response thereof, Counsel for the petitioner submits that these are the contradictory stands of the State in his pleading.

6. After hearing the parties, it transpires to this Court that the proceeding under Section 145 of the Cr.P.C. has been initiated by the petitioner being the first party against the second party, but he has not made the second party as party respondent in the present case.

7. As such, this Court is of the firm view that the



present writ petition suffers from non-joinder of the necessary party and therefore, this writ petition is hereby dismissed with liberty to the petitioner that he shall avail his remedy before the S.D.M., Dalsingsarai by way of serving notice upon the opposite party no.2 of the original proceedings M.R. No.357 of 2008 and if, any party aggrieved from the said order, they shall sue before the Revisional Court under Cr.P.C. and not in the writ petition.

(Dr. Anshuman, J)

Divyansh/-

U			
---	--	--	--

