

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2477 of 2024

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

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Krishnandan Singh Son of Late Shyamdeo Singh Resident of Ward No.- 17,
Lakshma Nagar, Bhadepur, P.S.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Deptt. of Home, Govt. of Bihar, Patna Bihar
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna Bihar
3. The Additional Chief Secretary, Urban Development and Houseing Department, Govt. of Bihar, Patna Bihar
4. The Director General of Police, Bihar, Patna Bihar
5. The District Magistrate, Sitamarhi Bihar
6. The Superintendent of Police, Sitamarhi Bihar
7. Mr. Sajeev Kumar, Son of not known, Sub-Divisiional Officer, Sadar, Sitamarhi Bihar
8. Ms. Dolly Kumari, D/O- Govind Jha, Circle Officer, Dumara, Sitamarhi Bihar
9. Mr. Manoj Kumar Tiwari, Son of not known, Officer in Charge, Sitamarhi Police Station, Distt.-Sitamarhi Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suman Kumar Verma
For the Respondent/s : Mr.S.C.16

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present application has been filed for the
following reliefs:-

*(i). Issuance of an writ/order/direction
appropriate upon the Concerned/competent
Respondent State Authority/Authorities for*



instituting an F.I.R. and setting in motion Criminal Prosecution against Mr. Sanjeev Kumar, Sub-Divisional officer, Sadar, Sitamarhi, Ms. Dolly Kumari, Circle Officer, Dumra, Sitamarhi and Mr. Manoj Kumar Tiwari, Officer-in-Charge, Sitamarhi Police Station, Sitamarhi in connection with demolition of the residential/dwelling Pucca house of the Petitioner in the night of 02.11.2024 erected over Cadastral Surveyor Plot No. 1642/1890, corresponding to Revisional Survey Plot No.16(ka) situated at Mohalla-Ringh Bandh, Lakhshmina Nagar, Ward No.14 under Revenue thana No.251, covered under Holding No.20/301 in the district of Sitamarhi in the most gross, illegal, arbitrary, Malicious, Partisan and vindictive manner without following any settled principle and procedure or process of law for demolition/razing to ground any residential house of a Citizen of India, thereby, seriously transgressing and injuring the Right to shelter, which forms part of Article 21 of the constitution of India.

(ii) Further issuance of an appropriate writ/order/direction upon the concerned Respondent State Authorities for initiating appropriate Departmental/Disciplinary proceeding against Mr. Sanjeev Kumar, Sub-Divisional Officer, Sadar, Sitamarhi, M.S. Dolly Kumari, Circle Officer, Dumra, Sitamarhi and Mr. Manoj Kumar Tiwari, Officer-in-Charge, Sitamarhi Police Station, Sitamarhi in view of gross and blatant violation of the Aid principle of Rule of law and fairness on their part, being the Public Authorities, exercising statutory power/Authority in good faith in aid of process of law which has occasioned not only error of law and miscarriage of justice but also deprivation of a family from the shelter/roof in the most arbitrary, biased and illegal manner, impinging upon the constitutional Rights of the family of the petitioner guaranteed under Article



14 and 21 of the Constitution of India.

(iii) Further issuance M writ/order/direction concerned Authorities of upon the Respondent for State fixing the responsibility/accountability of the 7 statutory Public Authorities including Mr. Sanjeev Kumar, Sub-Divisional Officer, Sadar, Sitamarhi, Ms. Dolly Kumari, Circle Officer, Dumra, Sitamarhi and Mr. Manoj Kumar Tiwari, Officer-in-charge, Sitamarhi Police Station, Sitamarhi in the matter of payment of appropriate compensation to the petitioner herein with admissible interest thereon, as also other ancillary payments, in the background of demolition of the Residential House of the petitioner in the night of 02.11.2024 after pushing out the entire family members from the house in absence of observance of any known procedure to law or any order of any court passed in any proceeding against the petitioner for vacating and demolishing the house.

3. The Hon'ble Supreme Court in the case of ***Sakiri Vasu vs. State of U.P., reported as (2008) 2 SCC 409*** had discouraged the practice of approaching the High Court with a prayer for registration of an F.I.R. The relevant paragraphs of the aforesaid decision read as under:-

“27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the



practice of filing a writ petition or petition under Section 482 Criminal Procedure Code simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Criminal Procedure Code before the Magistrate or by filing a criminal complaint under Section 200 Criminal Procedure Code and not by filing a writ petition or a petition under Section 482 Criminal Procedure Code.

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere” (Emphasis supplied)

4. The aforesaid ratio was reiterated by the Hon’ble Supreme Court in the case of ***Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhange reported as (2016) 6 SCC 277*** and in the case of ***M. Subramaniam vs. S. Janaki reported as (2020) 16 SCC 728***.

5. If the F.I.R is not registered on account of inaction on the part of the police officials or the actions not to the satisfaction of the petitioner, then the efficacious alternative



remedy is available to the petitioner under sections 190, 200 of the Cr.P.C (sections 210, 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023) or other statutory provisions under law.

6. Therefore, the petitioner is given liberty to avail alternative remedies as provided under the Cr.P.C./Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for registration of the F.I.R.

7. Accordingly, this application is disposed of with the aforesaid liberty to the petitioner.

(Sandeep Kumar, J)

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