

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24580 of 2018

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Mrs. Meera Azad W/o Late Ramesh Chandra Azad R/o Village - Etawari Tola
Erayee, P.O. Erayee, P.S-Shahjahanpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through District Collector, Patna.
2. The Circle Officer, Circle Daniyawan, P.S Shahjahpur, District-Patna
3. Police Incharge/S.H.O Shahjahanpur, Patna.
4. Subodh Kumar S/o Sukhdev Mahto, R/o Badi Kebai, PS Shahjahanpur, Dist-Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar Sharma, Adv.
For the Respondent/s : Mr. Raj Kishore Roy

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 02-02-2026 Heard the parties.

2. The present application has been preferred for the
following relief(s):

*(i) That this writ application is
being writ/writs/directing the appropriate
respondent filed for issuance order/orders
Respondents action against who No.4
offence of theft/Robbery by cutting 8' of an
appropriate Commanding/to take the have
committed (Eight property) landed Feet soil
deep from area 51 admeasuring Field
Decimal belonged to the Petitioner and make
payment of compensation amount of
Rs.40,00,000/-Forty (Rupees lakhs) accruing
market value of soil and the damage caused*



to the Agricultural field of the petitioner.

(ii) Petitioner further prays for a direction upon Respondent No.3 to lodge/institute an F.I.R. against Respondent No.4 and unknown others who committed offence of theft by cutting soil from the raiyati field of the petitioner without her consent.

(iii) Further prays for any relief or reliefs for which she found entitled according to law of land.

3. Pursuant to the last order, Mrs. Gita Kumari, Circle Officer, Daniyawan and Mr. Munna Das, SHO, Shahjahanpur are present in the Court.

4. The report of the SHO shows that both the Circle Officer, Daniyawan and the SHO, Shahjahanpur went on the spot on 31.01.2026 where the Deputy Sarpanch and the petitioner were also present and the area has been shown in the connecting photograph as still flooded with water. In that background, no measurement could be done and upon enquiry, it has been informed that the same is not possible till April, 2026.

6. It has further been recorded in the report of the SHO that for the railway line, the railways had undertaken some work for which the petitioner has also received amount from the railways.



7. It is to be noted that the railways have not been made as party respondent in this case though one Subodh Kumar, son of Sukhdev Mahto under the Shahjahanpur Police Station has been made party respondent no. 4 and the contention of the petitioner is that he being the contractor, uses his force to intimidate the lady.

8. If the contention of the petitioner is correct, the SHO, Shahjahanpur is duty-bound to take appropriate action if he receives any complaint/petition of a citizen much less the petitioner.

9. So far as the prayer of the petitioner is concerned, since the area is still filled with water, further, an allegation of theft and robbery has been made against the then C.O. and the SHO without making them party respondents in the case, in the opinion of the Court, no positive direction can be issued in her favour.

10. If she so wants, can approach the respondent-Collector, Patna (respondent no. 1) along with all the supporting documents in next four weeks, the concerned respondent shall be hearing her as also the other respondents including the railways and shall be passing an appropriate order.

11. The personal appearance of Mrs. Gita Kumari,



Circle Officer, Daniyawar and Mr. Munna Das, SHO,
Shahjahanpur are dispensed with.

12. The writ petition is disposed of with aforesaid
observation.

(Rajiv Roy, J)

Vijay Singh/-

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