

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL REVISION No.856 of 2018**

**In  
Criminal Writ Jurisdiction Case No.2005 of 2017**

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Rameshwar Prasad Singh Son of Late Nathuni Singh R/o village- Manserpur,  
P.O- Manserpur, P.S. and Sub-Division - Ballia, District- Begusarai, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The District Magistrate, Begusarai
2. The District Magistrate , Begusarai
3. The Sub-Divisional Magistrate, Ballia, Dist- Begusarai
4. The Sub-Divisional Officer, Ballia, District- Begusarai
5. The Circle Officer, Ballia, Dist- Begusarai
6. The Station House Officer, Ballia, Dist- Begusarai
7. Sadanand Singh Son of Late Neero Roy @ Neero Singh R/o village-  
Manserpur, P.O- Manserpur, P.S. and Sub-Division- Ballia, District-  
Begusarai

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Nikhil Kumar Agrawal, Adv.,  
Ms. Aditi Hansaria, Adv.,  
Mr. Yash Sahay, Adv.

For the opposite party : Mr. P.K. Singh, Adv.,  
Mr. Rahul Kumar Singh, Adv.

For the State : Mr. Birendra Prasad Singh, AC to SC-19

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**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**

**ORAL JUDGMENT**

**Date : 12-03-2024**

Heard learned Advocate for the petitioner as well as  
learned APP for the State.

2. By filing the instant revision, the petitioner has  
challenged an order dated 8<sup>th</sup> June, 2017, passed by the Sub-  
Divisional Magistrate, Ballia, Begusarai, in Dispute Case No. 01



of 2016-17, registered on the basis of a plain official letter, written by respondent no. 7 to the Executive Magistrate.

3. By passing the impugned order on 8<sup>th</sup> June, 2017, the learned Sub-divisional Magistrate, Ballia, Begusarai, passed an order restraining the opposite parties from making any obstruction to the petitioner/respondent no. 7 herein from carrying on repairing as well as renovation work of his hut, situated on khesra no.-519, over a land measuring about 2 dhurs.

4. At the outset, this Court likes to record that no proceeding under Sections 144 of the Cr.P.C. or Section 145 of the Cr.P.C. was initiated by the Sub-divisional Magistrate while passing the impugned order in the nature of injunction. By such order, it is alleged on behalf of the petitioner that the petitioner is prevented from his enjoyment over the subject land.

5. It is also submitted by the learned Advocate for the petitioner that prior to making such application before the Sub-divisional Magistrate, the respondent no. 7 himself filed a suit for declaration of his title and other consequential relief before the 1<sup>st</sup> court of the Civil Judge (Senior Division) at Begusarai, which was registered as Title Suit No. 5 of 2016, dated 2<sup>nd</sup> January, 2016. In the said suit the respondent no. 7 being the plaintiff did not file any



application for temporary injunction restraining the defendants from making any obstruction against the repairing work of his hut.

6. On the contrary, suppressing the said fact, the respondent no. 7 obtained a most illegal order from the Sub-divisional Magistrate, Ballia, Begusarai.

7. The impugned order is not only bad in law, but perverse and passed without following the procedure and power of the Executive Magistrate under Chapter-X of the Cr.P.C.

8. Accordingly, the impugned order is set aside.

9. The revisional application is allowed on contest. However, without any costs.

**(Bibek Chaudhuri, J)**

pravinkumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

