

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (Cr.) No. 216 of 2023

Suman Singh

... Petitioner

-Versus-

1. The State of Jharkhand
2. The Deputy Commissioner, Khunti
3. The Sub-Divisional Executive Magistrate, Khunti
4. The Circle Officer, Karra, Khunti
5. Pradip Singh

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Saurabh Shekhar, Advocate
Mr. Arun Kumar, Advocate

For the State : Mr. Kishore Kumar Singh, S.C.-V
Mr. Vishnu Prabhakar Pathak, A.C. to S.C.-V

For Respondent No.5 : Mr. Vishal Kumar Rai, Advocate

04/31.07.2023 Heard Mr. Saurabh Shekhar, learned counsel for the petitioner, Mr. Kishore Kumar Singh, learned counsel for the State and Mr. Vishal Kumar Rai, learned counsel for respondent no.5.

2. This petition has been filed for quashing of the order dated 12.04.2023 passed by the Sub-Divisional Magistrate, Khunti, whereby, he has been pleased to declare the right, title and interest of the land pertaining to Mouza- Soteya, Khata No.2, Khewat No.4/1, Plot No.457, measuring an area of 1.65 acre in favour of respondent no.5, in a proceeding under Section 145 Cr.P.C.

3. Mr. Saurabh Shekhar, learned counsel for the petitioner submits that the learned Sub-Divisional Magistrate has exceeded the jurisdiction under Section 145 Cr.P.C. and that is why, the case is maintainable under Article 226 of the Constitution of India. He relied upon the judgment passed by the Hon'ble Supreme Court in ***Whirlpool Corporation v. Registrar of Trade Marks, Mumbai and others; [(1998) 8 SCC 1]***.

4. On the other hand, Mr. Vishal Kumar Rai, learned counsel for respondent no.5 submits that the petitioner is having alternative remedy

and in view of that, the petitioner can raise all the contention before the learned Sessions Judge by way of filing revision.

5. Mr. Kishore Kumar Singh, learned counsel for the State also supports the contention of respondent no.5.

6. In view of the above submissions and looking into the nature of the order passed by the learned Sub-Divisional Magistrate, it appears that the said order is revisionable and for that the petitioner is having alternative remedy. All the contentions raised in this petition, can be raised before the learned Sessions Judge by way of filing revision petition.

7. In view of the above facts and without looking into the merits of the case, this petition is disposed of with liberty to the petitioner to avail alternative remedy. If the matter of limitation will arise, the learned court shall take into consideration the pendency of this writ petition before this Court.

8. Accordingly, this petition is disposed of.

9. Interim order, if any granted by this Court, stands vacated.

(Sanjay Kumar Dwivedi, J.)

Ajay/