

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.909 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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1. Rameshwar Ram S/o Late Tulsi Ram R/o Muhalla - A.G. Colony A/290, under Shastri Nagar Police Station Patna, at present , Jay Prakash Nagar, House No. B-108, Near A.G. Colony, P.S. Shashtri Nagar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Director General of Police, Govt. of Bihar, Patna.
2. The Senior Superintendent of Police, Patna.
3. The Sub Divisional Police Officer, Patna Sadar.
4. Sri Ramashankar Prasad Singh S/o Late Ayodhya Singh R/o Vill. Sankarvar Tola, Post Mokama Chauk, P.S. Mokama, in the district of Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Mr. Amiya Kumar, A.C. to AAG-10

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-03-2015

In this application filed under Articles 226 and 227 of the Constitution of India, the petitioner seeks the following reliefs as enumerated in paragraph 1 :-

“1. That this is an application for issuance of appropriate writ/writs, order/orders, direction/directions for the following relieves.

- (I) To issue a writ in the nature of mandamus commanding the respondents to vacate the residential premises bearing it plot No.A/290, of Accountant General's office Housisng Co-operative Society Ltd. Situated at A.G.Colony under Shastri Nagar Police Station Patna, from the illegal possession of Respondent No.6 forthwith including the valuable article and documents of the petitioner from the possession of the respondent No.6.

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- (III) Also for direct the respondent to pay heavy cost with respect to demolition of out house of the petitioner which was constructed under the campus of the above mentioned residential premises of the petitioner.
 - (IV) Also for any other/others relief/relieves for which the petitioner found to be entitled in the eye of law.”

Apparently, the dispute is between two private parties.

In paragraph 16 of the application, it has been contended that the petitioner has filed a title suit on 22.10.2008 bearing Title Suit No. 402 of 2008 for a declaration that the agreement dated 14th March, 2008, alleged to have been executed by the petitioner, is forged, fabricated, manufactured and illegal document and the same was got signed by the petitioner under threat and coercion.

Learned counsel for the petitioner has submitted that respondent no.6 is illegally occupying his house since 2008 and thus an appropriate order be passed by this Court commanding the respondents to get the residential premises of the petitioner bearing plot no.A/290 at A.G.Colony, Patna vacated.

Having heard learned counsel for the petitioner, I am of the opinion that the writ petition is misconceived in so far as a declaration is sought from this Court regarding title of the petitioner over the plot in question. It is well settled law that disputed questions relating to right, title and possession cannot be adjudicated in a writ

proceeding. Even on assumption that respondent no.6 has no right to remain on the property, he cannot be dispossessed by the owner of the property except by recourse to law.

In that view of the matter, I find no merit in the application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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