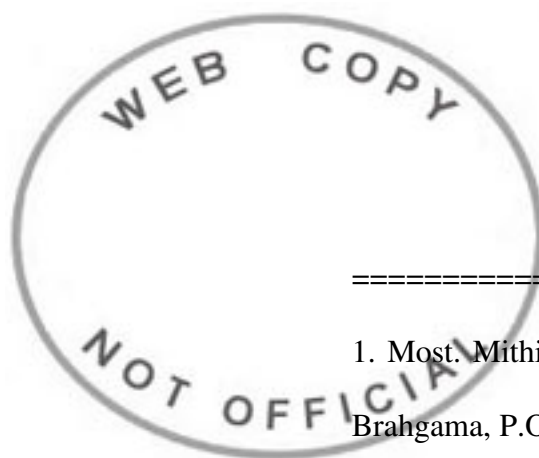




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.331 of 2014

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

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1. Most. Mithilesh Devi W/o Late Ram Shankar Chaudhary, Resident of Village-
Brahgama, P.O.-Dinmanpur, P.S.-Khanpur, District-Samastipur,

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. D.M. Samastipur.
- 3. The Superintendent of Police, Samastipur,
- 4. Teh Sub-Divisional Police Officer, Samastipur, District-Samastipur.
- 5. The S.H.D. P.s.-Khanpur, District-Samastipur.
- 6. The A.S.I. Iqbal Ahmad Khan, P.S.-Khanpur, District-Samastipur.
- 7. Devshankar Choudhary S/o of Lae Sadanand Choudhary Resident of Village-
Brahgama, P.O.-Dinmanpur, P.S.-Khanpur, District-Samastipur.
- 8. Rajeev Kumar Choudhary S/o Devshankar Choudhary, Resident of Village-
Brahgama, P.O.-Dinmanpur, P.S.-Khanpur, District-Samastipur.
- 9. D.G.P., Patna Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh

For the Respondent/s : Ms Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-01-2015

In the present application, filed under Articles 226 and 227 of the Constitution of India, the prayer of the petitioner in paragraph no.1 is as under:

“1. That, this writ application has been filed for issuance of an appropriate writ in the nature of mandamus, directing the Respondent authorities to take necessary action in accordance with law to protect the life and property of the victim widow Mithilesh Devi, aged about 52 years W/o Late Ramshankar Choudhary, R/o village-Barahgawan, P.O.-Dimanpur, P.S.-Khanpur, District-Samastipur and the life and property of her family members.”

The learned counsel for the petitioner has submitted that the petitioner is a widow and she is being regularly harassed by respondent nos. 7 and 8, who are closely related to the petitioner. The petitioner has also instituted some criminal cases against them which are under investigation. It has been contended that the petitioner apprehends threat to her life and property at the hands of respondent nos. 7 and 8.

Be that as it may, in case a criminal case has been instituted at the behest of the petitioner, it is for the police to investigate and submit a report in accordance with law before the Magistrate concerned under section 173 of the

Code of Criminal Procedure. To hold investigation into a criminal offence is the statutory right of police. At this stage, the Court has no role to play.

So far as the right to property is concerned, no proper averment has been made in the writ petition regarding details of property. Even otherwise, it is well-settled that contentious issues relating to right, title and possession of land or property cannot be adjudicated in writ jurisdiction under Article 226 of the Constitution of India.

For the reasons recorded hereinabove , I find no merit in the present application. Accordingly, this application is dismissed.

B.Roy/-

(Ashwani Kumar Singh, J)

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