

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.433 of 2012

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Jai Shankar Prakash son of Late Dr. Madan Mohan Prasad, resident of Old Post Office Road, Chitragupta Nagar, Police Station- Patrakar Nagar, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
 2. District Magistrate, Patna
 3. Senior Superintendent of Police, Patna
 4. Sri Jagat Shankar Prakas son of Late Dr. Madan Mohan Prasad, resident of Old Post Office Road, Chitragupta Nagar, Police Station- Patrakar Nagar, District- Patna
 5. Sri Jyoti Shankar Prakash son of Late Dr. Madan Mohan Prasad
 6. Dipti Kumari daughter of Late Dr. Madan Mohan Prasad.
- Both are resident of Old Post Office Road, Chitragupta Nagar, Police Station- Patrakar Nagar, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Pandey, Advocate
For the State : Mr.G.P. 12
For the Respondent/s : Mr. J.S.Arora, Advocate
Mr. G.Pratap, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 27-03-2015 Despite lapse of about three years, the petitioner has failed to remove the defect pointed by the office.

I have perused the office note.

In this application filed under Articles 226 and 227 of the Constitution of India, the prayer of the petitioner is to direct the respondents-2nd Set to vacate the premises in question and hand over possession to the petitioner without any delay pursuant to the compromise entered into between the parties in Partition

Suit No. 71 of 2002 or alternatively to direct the respondents/authorities to take appropriate action against the respondent no.4 so that the petitioner can get the vacant possession of the premises in question which has been illegally possessed by respondent no.4.

In my considered opinion, the application is thoroughly misconceived. The questions relating to right, title and possession cannot be adjudicated in a proceeding under Article 226 of the Constitution of India.

In that view of the matter, the application is dismissed as not maintainable.

(Ashwani Kumar Singh, J)

Md.S./-

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