

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.235 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

Bhola Kumar Son of Hari Yadav, Resident of Village + Post- Gilani, P.S.- Sare, District- Nalanda Elected Secretary of Asthama Prakhand Matasyajivi Sahyog Samiti Ltd. Asthama.

.... Petitioner

Versus

1. The State Of Bihar, through Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Home Secretary, Govt. of Bihar, Old Secretariat, Patna
3. The Director General of Police, Bihar, Patna
4. The District Magistrate, Biharsharif, Nalanda
5. The Superintendent of Police, Biharsharif, Nalanda
6. The Sub-Divisional Officer, Biharsharif, Nalanda
7. The Sub-Inspector of Sare Police Station (Local Thana), District- Nalanda
8. The Director Fisheries Bihar, Patna
9. The District Fisheries Officer Nalanda (Biharsharif)
10. Vikash Kumar Singh
11. Prakash Kumar, Both Sons of Late Swaraj Singh @ Bam Singh.
12. Om Prakash Sharma, Son of Awadhesh Kumar Singh.
13. Mukesh Kumar, Son of Ramanuj Prasad,

All Res. No. 10 to 13 are residents of Village + P.O. + P.S.- Sare, District- Nalanda
.... Respondents

Appearance :

For the Petitioner : Mr. Deepak Kumar, Advocate
For the Respondents: Mr. Asit Kumar Jha, AC to GP 6
For Respondent Nos.10 to 13: Mr. Nawal Kishore Singh,
Mr. Jitendra Nath Tiwary, Advocates

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-04-2015

Heard learned counsels for the parties.

2. The present writ petition has been filed for a direction to the respondent-authorities to provide protection to the petitioner and members of the Asthama Prakhand Matasyajivi Sahyog Samiti Limited (for short, “the Society”) as they have apprehension of dispossession at the hands of private respondent nos.10 to 13 despite

the jalkar having been settled in favour of the petitioner-Society.

3. It is submitted on behalf of the petitioner that jalkar relating to Khata No.137 Khesara No.791 had been settled in favour of the petitioner's society and its members since long and interference in fishing rights by the said private respondent nos.10 to 13 in collusion with local police station is wholly illegal. It is submitted that the members of the petitioner's society are entitled to personal protection as they carry apprehension from the side of the private respondents as well as in the matter of fishing rights.

4. Learned counsel appearing on behalf of the private respondents points out that parwana as well as registered agreement in favour of the petitioner's society relates to Khata No.138 Khesara No.791 and there is serious dispute with regard to the title and possession over the concerned piece of land in Khata No.137 Khesara No. 791 which is claimed to belong to the private respondents.

5. In view of the nature of differences between the parties on the foundational facts with respect to the very land which is subject matter of the dispute, this Court in its writ jurisdiction will not enter into such disputed questions of facts. In any event, considering the nature of the prayer of the petitioner in this writ petition which is for providing protection to the members of the

society, petitioner will be at liberty to approach and pursue the matter before the appropriate forum.

6. With the above observation, the writ petition stands dismissed.

(Vikash Jain, J)

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