

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16970 of 2011

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1. Abhay Prasad
2. Akhilesh Kumar Gupta sons of Gaya Prasad resident of village
Abiraulia Tola Gularia, P.S. Ramgarhwa, East Champaran
..... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Bihar, Patna
2. The District Magistrate, Motihari, East Champaran
3. Superintendent of Police, Motihari, East Champaran
4. The S.D.O. Raxaul, East Champaran
5. The D.Y.S.P. Ramgarhwa East Champaran
6. The C.O. Ramgarhwa East Champaran
7. The Officer Incharge Ramgarhwa East Champaran
8. Ramanand Das, son of Narayan Das
9. Chhotelal Ram son of Barshi Ram
10. Birnan Pandit both sons of Bacha Pandit
11. Radha Kant Pandit
12. Surya Ram Son of Sheo Lochan Ram
13. Ambika Ram
14. Chandrika Ram both sons of Kailash Ram
15. Pahlad Das, son of Late Narayan Das all 8 to 15 are resident of village
Gularia P.S. Ramgarhwa, East Champaran

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Respondent/s : Mr. Tej Bahadur Singh AAG-7

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 27-10-2015 Heard counsel for the petitioners and the State.

The writ application seeks a direction upon the State respondent(s) to come to the rescue of the petitioner in maintaining his possession over the land which he purchased by a sale deed in the year 2010. It is submitted that after such purchase the petitioners got their names mutated in respect of the subject land. They now face threats of dispossession at the hands of the private respondents. A

petition in this regard was filed before the State authority in which an enquiry is said to have made but thereafter no action has been taken. The contention of the petitioners is that the State respondent(s) should provide security to the petitioners.

On going through the documents enclosed with the writ petition it appears to this Court that on a petition filed in this regard the respondents have got certain enquiry made but thereafter nothing has happened. The petitioners should invoke the relevant provisions of the Code of Criminal Procedure if there is a threat of dispossession from the land claimed by the petitioners.

Having considered the submissions of the parties, the writ application is disposed of by directing the respondents, particularly the Sub Divisional Officer, Raxaul, to consider the grievance of the petitioners on a representation made in this regard before him and take appropriate steps/actions, as deemed necessary. It will be open to the petitioners to approach the authority under the Code of Criminal Procedure for initiation of emergency/prohibitory proceeding, if need be, in respect of the subject land.

(Kishore Kumar Mandal, J)

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