

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1648 of 2014

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Mostt. Fatma Bibi, W/O Late Abdul Gani, resident of Village- Barah
Pather, P.S- Dehri-On- Sone, Distt- Rohtas, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Rohtas at Sasaram.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The Sub Divisional Magistrate, Dehri- On- Son, District- Rohtas.
5. The Circle Officer, Dehri- On- Son, District- Rohtas.
6. The Officer- In- Charge, Dehri- On- Son, P.S- Dehri- On- Son, District- Rohtas.
7. Daulatmal, S/O Late Sunder Lal.
8. Ashok Kumar, S/O Late Sunder Lal.

Both are residents of Mohalla- Jhabrmal Gali, Ward No. 5, P.O
and P.S- Dehri-On- Sone, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Respondent/s : Mr. R.R. K Pandey, SC-29

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 09-07-2015

The prayer made in this wit petition is for a direction to respondent nos.7 and 8 to hand over the possession of shop no.3 situated on plot bearing no.499 of khata no.344, At, P.O. and P.S. Dehri-One-Sone in the district of Rohtas to the petitioner.

The grievance of the petitioner is that despite order being passed by the authorities under the provisions of the Code of Criminal Procedure (hereinafter referred to as 'the Code'), yet the possession of the shop is not being handed over by the private respondents to the petitioner.

A bare perusal of the writ petition it is manifest that a private dispute is sought to be resolved by invoking the extraordinary jurisdiction of this Court vested under Article 226 of the Constitution of India, though it is well settled that no writ lies against a private individual.

There being an order passed by the authorities under the provisions of 'the Code', the petitioner would have to seek her remedy under the said Code or by taking recourse to civil law remedy as available to her but a writ in the circumstances discussed, does not lie.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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