

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.760 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

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1. Brajeshwar Prasad Singh son of Late Bhuwadeshwar Prasad Singh @ Bhuaneshwar Singh resident of village - Ramrai Singhara, P.S. - Mahua, District - Vaishali.
 2. Vijay Pratap Singh son of Late Bharat Bhushan Singh resident of village - Ramrai Singhara, Post - Singhara, P.S. - Mahua, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Director General of Police, Bihar, Old Secretariat, Patna.
3. The Additional Director General (Administration), Patna.
4. The Inspector General of Police, Muzaffarpur Range, Muzaffarpur.
5. The District Magistrate, Vaishali at Hajipur.
6. The Superintendent of Police, Vaishali at Hajipur.
7. Sub-Divisional Officer-cum-Magistrate, Mahua, Vaishali.
8. The Deputy Collector, Land Reforms, Mahua, District - Vaishali.
9. The Sub-Divisional Police Officer, Mahua, Vaishali.
10. The Officer-in-Charge, Mahua Police Station, Mahua - Vaishali.
11. Mohan Singh son of late Ramchandra Singh
12. Sohan Singh son of late Ramchandra Singh
13. Mintu Singh son of Sohan Singh
14. Pintu Singh son of Sohan Singh
15. Ram Binay Singh son of Sohan Singh
16. Bablu Singh son of Late Nawal Kishore Singh
17. Dablu Singh son of Late Nawal Kishore Singh
18. Rajiv Singh son of Late Nawal Kishore Singh
19. Sabi Singh son of Late Nawal Kishore Singh
20. Shyam Nandan Singh son of Late Jayantri Singh
21. Sanjay Singh son of Shyam Nandan Singh
22. Ashok Singh son of Shyam Nandan Singh
23. Ritesh Singh son of Shyam Nandan Singh
24. Amresh Singh son of Late Madan Singh
25. Kalu Singh son of Ashok Singh
26. Gopal Singh son of Amresh Singh
27. Ghantu Singh son of Amresh Singh
28. Abhishek Singh @ Abhishek Kumar son of Amresh Singh
29. Sanoj Singh son of Sri Mohan Singh
30. Shivam Singh son of Sri Sanoj Singh
31. Shubham Singh son of Sri Manoj Singh
32. Sanni Singh son of Sri Sanjay Singh
33. Raja Singh son of Sri Ritesh Singh All are residents of village - Ramrai Singhara, P.S. - Mahua, District - Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Navin Prasad Singh, Adv.
For the State : Mr. Amit Kumar Anand, A.C. to GP-15
For Private Respondents : Mr. Bindhyachal Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 06-10-2015

Heard learned Counsel for the petitioners, learned
Counsel for the State and learned Counsel for the private respondents.

2. The prayer of the petitioners in the present application as
stated in paragraph- 1 is as under :-

“1. That the present criminal writ application is
being filed on behalf of the abovenamed petitioners
before this Hon’ble Court for the following reliefs :

- (i) For issuance of writ in the nature of certiorari
for quashing the letter of Sub-Divisional
Officer, Mahua contained in Memo No. 376
dated 18.03.2015 whereby the Sub-Divisional
Officer, Mahua informed and directed the
petitioners and respondent 2nd parties to
maintain status quo accepting the facts that
the Zamabandi had been duly created in
favour of the father of the petitioner no.2,
namely, Late Bharat Bhushan Singh vide
Mutation Case No.1755/1998-99 in respect of
Plotm No. 2733 pertaining to Khata No. 610
and a Title Suit bearing T.S.No.147/95 filed
on behalf of respondent 2nd parties was
dismissed on contest with cost to the
respondent no.2nd parties although an appeal
bearing Appeal No.2/1999 is pending
disposal before the Civil Court, Hajipur.
- (ii) For a direction to the respondent 1st parties to
give full protection to the petitioners and their
family members in organizing and
performing the Puja in the temple of
Bhagwati Durga constructed upon the Plot

No. 2733 pertaining to Khata No.610, Mauza Singhara which exclusively belongs to the petitioners and their family members.

- (iii) For a direction to the respondent 1st parties not to allow the respondent 2nd parties to interfere in the valid right of the petitioners with regard to performing the Puja of Bhagwati Durga and management of temple through the year and specifically during the Dashahara Puja.
- (iv) For a direction to the District and Sub-Divisional Administration to act upon in accordance with the finding of the competent civil court, Hajipur in Title Suit No.147/95 rejecting the unlawful claim of respondent 2nd parties.
- (v) For any other relief or reliefs to which the petitioners are entitled in the facts and circumstances of the case.”

3. Apparently, it would appear from the record that against the judgment and decree of civil court passed in Title Suit No. 147 of 1995 a Title Appeal bearing No.2 of 1999 is pending between the parties before the learned District Judge, Vaishali pertaining to Plot No.2733, Khata No.610 in Mauza Singhara under Mahua Sub-Division in the district of Vaishali. From the pleadings of the parties, it would appear that several disputed questions of fact have been raised in the present writ petition, which cannot be adjudicated in extra-ordinary writ jurisdiction under Article 226 of the Constitution of India. The petitioners have other equally efficacious and

alternative remedy available to them for the redressal of their grievance.

4. In that view of the matter, I am not inclined to entertain the application. Accordingly, the application is disposed of.

(Ashwani Kumar Singh, J)

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