

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14268 of 2012

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Siya Ram Sharma, S/O Late Dhrup Narayan Sharma, R/O Mohalla - Dahiyawa Tola, near Municipality Chouk, P.S. Town District - Chapra, At present R/o Masumganj, C/O Jawahar Sharma, P.S. Bhagwan Bazar, District – Chapra.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Saran at Chapra, District- Chapra.
3. The Superintendent of Police Chapra, District- Chapra.
4. The Sub-Divisional Officer Chapra, Dist - Chapra
5. The Dy S.P. Town Chapra, District – Chapra.
6. The Officer in Charge of Chapra Town Police Station, Chapra.
7. Smt. Renu Kashyap, W/o Dr. Rajiv Kashyap, R/O- Sri Mandan Road (Wahiawa Tola) in front of J.P.M College, P.S. Town, District- Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh
Mr. Binod Murari Mishra

For the Respondent-State : Mr. Rajiv Roy, GP-5

For the Private Respondent : Mr. Shashi Shekhar Dwivedi, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 06-08-2015 Heard Mr. Bindhyachal Singh, learned counsel appearing on behalf of the petitioner, learned counsel for the State and Mr. Shashi Shekhar Dwivedi, learned senior counsel appearing on behalf of the private respondent.

The petitioner seeks an appropriate direction to the respondents to preserve his property at the hands of the private respondent.

Perusal of the statements made in paragraphs 8 and 12 of the writ petition manifest that there is a private dispute going on in between the two parties and the nature of the land is

raiya. A proceeding was sought to be initiated under section 144 of the Code of Criminal Procedure and which has also been dropped and the petitioner has not moved against the same before the superior forum.

Considering that the dispute pertains to raiya land and is in the nature of private disputes, in my opinion the recourse taken by the petitioner by invoking the remedy under writ jurisdiction, is not deemed appropriate and the writ petition is disposed of leaving it open for the petitioner to redress his grievance before the appropriate forum by filing an appropriate application.

This writ petition is disposed of accordingly.

(Jyoti Saran, J)

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