

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.4 of 2015

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Sajda Khatoon wife of Late Md. Nayeemuddin, resident of village-
Harischandra Talab, Postmortem Road Nawada, P.S- Nawada, District-
Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Nawada
3. The Senior Superintendent of Police, Nawada
4. The Superintendent of Police, Nawada
5. Officer-in-charge, Nawada
6. Gulam Miya @ Israr Miya
7. Md. Istiryak Alam
8. Md. Islam
9. Md. Yusuf

All sons of Mahum Ishak Miya, resident of village- Gondhapur, P.O+P.S-
Nawada, District-Nawada

10. Nasimuddin son of Shekhawat Husaen, resident of village -Shekhawat
Bagh Muslim Road, P.O+P.S.- Nawadah, District-Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Smt. Asha Kumari, Advocate
For the State	:	Mr. S.P.Singh, G.A.-7
	:	Mr. Dilip Kumar, AC to GA-7
For the Respondent	:	Mr. T.N.Matin, Sr. Advocate
Nos. 6 to 10	:	Mr.Rajeev Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 26-11-2015 In the present application, the petitioner seeks a direction

to be issued to the respondent authority to avert any disturbance

from the side of the private respondent caused to the petitioner

while erecting boundary wall on the piece of land in Khata No.609

(old), Plot No.2999(old), corresponding to revisional survey Khata

No.3337, Plot No.799, 800K and 800Kh, measuring an area of

18 $\frac{3}{4}$ decimal situated at Harischandra Talab, Post Mortem Road, Nawada.

It has been contended by the learned counsel for the petitioner that the private respondents have taken the law in their own hands and are not allowing the petitioner to construct boundary wall over the plot in question.

On the other hand, learned counsel appearing for respondents no. 6 to 10 has submitted that out of the aforesaid land in question, 9 $\frac{3}{4}$ decimal of plot no.2999 was purchased by the private respondents by two sale deeds dated 12.9.1983 from one Jehangir Alam and since then the private respondents are in possession of their purchased land. The writ petitioner has filed Title Suit No.167 of 2005 in the Court of Sub-Judge-2, Nawada for declaration of her title over the plot in question. The said title suit is still pending. He has submitted that since there is a dispute over plot no.2999 between the parties, if the writ petitioner has any grievance then she should file an injunction petition in the Civil Court.

I have heard the parties and perused the records.

It is well settled that the question relating to disputed question of right, title and possession of a property cannot be determined in an extraordinary writ jurisdiction. In that view of

the matter, I am not inclined to entertain the present application.

Accordingly, the application is disposed of.

The petitioner may approach the Civil Court for redressal of her grievances.

(Ashwani Kumar Singh, J)

Md.S./-

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