

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1115 of 2013

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1. Abdul Hamid Alam S/O- Late Abdul Salam R/O Mohalla- Khetarri Near Jail Talab, P.O.+P.S.- Ara Town, Distt.- Bhojpur At Ara

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Bihar, Patna
2. The Principal Secretary, Home Department, Bihar, Patna
3. The Director General Of Police, Bihar, Patna
4. The Inspector General, Patna
5. The Deputy Inspector General Of Police, Patna
6. The District Magistrate, Bhojpur At Ara
7. The Superintendent Of Police, Bhojpur At Ara
8. The Dy.S.P., Ara
9. The Officer-in-Charge, Town P.S., Ara

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Respondent/s : Mr. P.N. Sahi

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-01-2015 Heard learned counsel for the petitioner and learned counsel for the State.

In paragraph 1 of the writ petition filed under Articles 226 and 227 of the Constitution of India, the prayer of the petitioner is as under :

“1. That this Criminal Writ application is being filed on behalf of the petitioner above named for issuance of writ/writs in the nature of mandamus for a direction to the respondent authorities to lodge the First Information report submitted before the respondent No.9 on 26.10.13 against the criminals, who are regularly giving threatening to the petitioner to kill him, if he will not vacate his house situated at Mohalla- Khetarri, near Jail Talab, P.S.- Ara Town, Dist.- Ara, to provide security to the petitioner and his family members, who are being regularly threatened by the veteran criminal Md. Khurshid Kuraishi about their murder and are living in fear due to reason that Md. Kuraishi who has several criminal history and his associates are trying

to grab the ancestral property (House) of the petitioner in which he is residing with his family members, after vacating the same and for a direction to the respondent authorities to restrain the criminals not to dispossess the petitioner from his house forcibly for which petitioner submitted written application before all the respondents who have not taken any action till today and one week time has been given by the criminals to the petitioner to vacate his house, other wise he and his family members will be killed and for any other relief/reliefs in which petitioner is legally entitled too.”

At the outset, it has been brought to the notice of the Court that pursuant to the written report dated 26th October, 2013 an F.I.R. has already been registered by the police and the grievance of the petitioner in that regard has already been redressed. However, learned counsel for the petitioner submits that during the pendency of the writ petition the petitioner has been forcibly dispossessed from his ancestral property.

Be that as it may, since several disputed questions of fact have been raised in the present writ petition and the petitioner has other equal and efficacious remedy available to him for redressal of his grievances, I am not inclined to entertain the present writ petition. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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