

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.961 of 2014

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1. Jagdish Narayan Son of Late Indra Chand Resident of Village - Chainpura, P.S. Naubatpur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna, District - Patna
3. The Senior Superintendent of Police, Patna, District - Patna
4. The Dy. Superintendent of Police, Danapur, District - Patna
5. The Sub - Divisional Magistrate, Danapur, District - Patna
6. The Officer - In - Charge, Naubatpur Police Station, District - Patna
7. Suryedeo Paswan Son of Bami Paswan Resident of Village - Bayapur, Lodipur, Danapur, District - Patna
8. Annu Paswan Son of Rama Nand Paswan Resident of Village - Chainpura, P.S. Naubatpur, District - Patna
9. Babu Deo Paswan Son of Musafir Paswan Resident of Village - Chainpura, P.S. Naubatpur, District - Patna
10. Ramadhar Paswan Son of Musafir Paswan Resident of Village - Chainpura, P.S. Naubatpur, District - Patna
11. Indu Paswan Son of Shiya Saran Paswan Resident of Village - Chainpura, P.S. Naubatpur, District - Patna
12. Bindu Paswan Son of Shiya Saran Paswan Resident of Village - Chainpura, P.S. Naubatpur, District - Patna
13. Ram Chhapit Paswan Son of Musafir Paswan Resident of Village - Chainpura, P.S. Naubatpur, District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamod Kumar Vidyarthi, Adv.

For the Respondent/s : Mr. Ajay, GA-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 10-07-2015 The petitioner is holder of a piece of land bearing Khata No.167 Plot No. 1901 and 1909 admeasuring 80 decimals. The complaint of the petitioner is that the private respondent Nos. 7 to 13 had been creating nuisance and harvesting his crop thus intruding his right to property without any authority of law.

He submits that there is no dispute of title and admittedly, the title rests with the petitioner but it is only on account of muscle

power that the private respondents have not only been creating obstruction for the petitioner in enjoying the usufructs of land but have also forcibly harvested the crops. He submits that attention drawn of the administrative authorities has gone in vain.

I have heard learned counsel for the parties and I have perused the records.

In so far as the direction sought against the private respondents is concerned, no writ would lie against an individual and thus the prayer for a mandamus in this context cannot be granted but then the petitioner has a right to enjoyment of his property and it is the duty of the administration as well as the police authorities to ensure that there is no obstruction to such enjoyment and its peaceful possession cannot be threatened by antisocial elements.

In the circumstances discussed, this Court would grant liberty to the petitioner to raise his grievance before the Senior Superintendent of Police, Patna who shall consider the grievance and dispose of the same in accordance with law after getting an enquiry made in the matter and also after giving opportunity of hearing to the private respondents.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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