

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.548 of 2016

=====

1. Sanjay Thakur Son of late Sahdeo Thakur, Resident of Flat No. 001, Ram Janam Enclave, Purana Bazar Road, New Area, Mora Badi, PO Karam Toli, Police Station- Bariyatu District Ranchi (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Bihar, Patna
2. The District Magistrate , Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police(Rural) Patna.
5. The Deputy Superintendent of Police, Barh, Patna.
6. The Officer-in-Charge, Barh Police Station, District Patna.
7. Ram Kumar@Pankaj Son of late Chandrika Singh
8. Ranjit Singh Son of late chandrika Singh,
Respondent No. 7 and 8 are resident of Village- Alipur , Police Station – Salimpur District Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate
For the Respondent/s : Mr. Sajid Salim Khan (SC-25)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 04-08-2016 Heard Mr. Manish Kumar No.2, learned Counsel, appearing on behalf of the petitioner, and Mr. Sajid Salim Khan, learned Standing Counsel No.25, appearing on behalf of the State-respondents.

With the help of this application, the petitioner has essentially raised civil dispute. No wonder, therefore, that one of the prayers made by the petitioner is removal of the alleged encroachment, which is on the land and which forms the subject matter of this writ petition, made under Articles 226 and 227 of

the Constitution of India.

It is the petitioner’s case that the private respondents have forcibly encroached upon the land, in question, which is claimed to his own land. Recovery of possession can be held either by a proceeding under Section 145 of the Code of Criminal Procedure, if otherwise maintainable in law, or by instituting an appropriate suit in a Civil Court of competent jurisdiction.

The present one is, therefore, not a case, where any interference by this Court in exercise of its extra-ordinary jurisdiction under Article 226 of the Constitution is called for.

In view of the above and in the interest of justice, the application is hereby disposed of, as has been sought for by the learned Counsel for the petitioner, as withdrawn with liberty granted to the petitioner to approach this Court with appropriate application, in future, if situation so warrants, and/or take recourse to such provisions of law as may be permissible.

(I.A. Ansari,CJ)

Mkr./-

U		T	
---	--	---	--