

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.889 of 2016

Arising Out of PS.Case No. - Year- Thana - District- PATNA

Rajshri @ Rajshree Kumari, W/o Sanjay Kumar, R/o Mohalla- Nayatola, Dharhara Kothi Mirja Bhawan, P.S.- Kadamkuan, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The Senior Superintendent of Police , Patna
3. The Dy. S.P. Kotwali, District-Patna
4. The Officer-in-Charge of Kadamkuan Police Station, District-Patna
5. Surendra Prasad
6. Arun Kumar

Both Sons of Late Siya ram Ray, R/O Village- Nayatola, Dharhara Kothi, P.S.- Kadamkuan, District-Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwari, Advocate.
For the Respondent/s : Mr. H.S. Sundaran, A.C. to S.C. 8

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL JUDGMENT

Date: 23-09-2016

Heard learned counsel for the parties.

2. The petitioner claims to be having a share in the joint family property situated in Mohalla- Bhikhana Pahari (Dharahara Kothi), Municipal Survey No. 722 and 723 (part) Holding No. 57 and 57A (old) 84/65 (new) measuring an area of 1 Katha.

3. The petitioner relies upon a writing dated 5th of March, 2005 wherein, the petitioner was given 1/3rd share in the entire property including house in question. It is also admitted that a Title Suit stands filed by the husband of the petitioner in the year 2014

claiming 1/3rd share in the entire property is pending before the Civil Court.

4. The grievance of the petitioner is that though the Civil Suit is pending but the respondents are threatening to take possession from the petitioner with the help of police.

5. Since the petitioner and or her family are before the Civil Court, it shall be open to the petitioner and or her family to apply for injunction from the competent court but to claim direction from the Criminal Writ Court that the respondents should not dispossess the petitioner is wholly misconceived. The disputes are civil in nature and have to be decided by the Civil Court alone.

6. In view of the said fact, no orders are called for in the Criminal Writ jurisdiction of this Court.

7. The writ application is, accordingly, dismissed.

(Hemant Gupta, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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