

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.818 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- SAMASTIPUR

Rajendra Sah son of Late Parmeshwar Sah resident of Mohalla- Gudri Bazar, Ward No.21, P.S.- Samastipur Town, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate, Samastipur.
2. The Sub-Divisional Magistrate, Sadar Samastipur, District- Samastipur.
3. The Superintendent of Police, Samastipur.
4. The S.H.O. Samastipur Town Police Station, District- Samastipur.
5. Sri Triveni Prasad @ Triveni Sah son of Late Rameshwar Prasad resident of Mohalla- Karimbagh (Magardahi), Ward No.6, P.S.- Samastipur Town, District- Samastipur.

.... Respondent/s

Appearance:

For the Petitioner/s : Mr. Ashok Kuamr Mishra, Advocate.

For the Respondent/s : Dr. Anand, AC to AAG-3.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 06-09-2016

The petitioner has invoked the writ jurisdiction of this Court claiming a direction to the respondents to provide security to his residential house-cum-shop which is being threatened to be demolished by the respondent no. 5.

It appears that proceeding under Section 107 Cr.P.C stands initiated by S.D.M., Samastipur. Since the proceedings have been initiated to maintain peace and tranquility, I do not find that the petitioner is entitled to any protection to his life and liberty.

The petitioner claims to have purchased land vide registered sale deed dated 05.06.2000 and another sale deed dated

26.03.2007. On the other hand, Respondent No. 5 is said to have obtained an order of execution of decree of the land of the petitioner from the Civil Court.

In view of the above background where the parties are before the Civil Court as well as before the Sub-Divisional Magistrate, I do not find that the petitioner is entitled to any protection from the police and such disputes have to be settled by the Civil Court in accordance with law.

Accordingly, this present petition is dismissed.

(Hemant Gupta, J.)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A
Uploading Date	09.09.2016
Transmission Date	N.A.