

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.787 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

Jaya Rai, wife of Late Pradeep Rai, Resident of Village- Bilaspur, Lal Kothi, P.O. Harinagar, P.S. Ram Nagar, Bagha, District- West Champaran, Presently residing at House No. 34, Lodipur, behind Bank Road, P.S. Gandhi Maidan, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Director General of Police, Government of Bihar Patna.
3. The District Magistrate, West Champaran, Bettiah.
4. The Senior Superintendent of Police, West Champaran, Bettiah.
5. The Superintendent of Police, Bagha.
6. The Sub Divisional Officer, Bagha.
7. The S.D.P.O. Ramnagar, Bagha, West Champaran.
8. The S.H.O. Ramnagar, Bagha, West Champaran.
9. Mrs. Ranjana Wife of Late Alok Rai.
10. Devyanshu Rai, Son of Late Alok Rai, Both resident of Village- Bilaspur, Lalkothi, P.O. Harinagar, P.S. Ram Nagar, District- West Champaran.
11. Janardan Yadav, Son of Adayan Yadav.
12. Sujeet Yadav, Son of Janardan Yadav.
13. Babulal Yadav, Son of Adayan Yadav, All resident of Village- Chargharwa, P.S Ramnagar, P.O.Dumaria State, West Champaran.

.... Respondents

Appearance:

For the Petitioner/s : Mr. Ravi Verma, Advocate.
Mr. Manish Dhari Singh, Advocate.
Mr. Manoj Kumar, Advocate.
For the Respondent/s : Mr. Dr. Anand Kumar, AC to AAG-3.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 20-09-2016

The petitioner has invoked the writ jurisdiction of this Court so as to cultivate the agricultural land on police protection. The petitioner married one Pradeep Rai on 05.05.1986, but he died on 17.03.1988. The couple had a girl child and now she is a doctor. The petitioner was in service in State Government Undertaking and superannuated from service on 30.12.2015.

The stand of the petitioner is that in family partition of

the property of her husband, the property has been mutated in her daughter's name, but when she was cultivating the agricultural land on 14.05.2016, a group of 50 to 60 persons came and started firing, assaulted labourers and driver of the petitioner. The motive of the private respondents was to create a terror in the mind of the petitioner so that she would not visit her ancestral house.

A perusal of the petition shows that the property over which the petitioner claims right of cultivation is the property of her husband, which has fallen in the share of her daughter. It is the dispute pertaining to property of her husband. Therefore, the dispute appears to be of inheritance and the partition of the property. For redressal of the civil disputes, the police protection cannot be provided.

I do not find that in view of the allegations levelled in the petition, the petitioner can be provided with police protection so that she can cultivate her land which has fallen to her daughter after the death of her husband by way of family partition.

Accordingly, the petition is dismissed with liberty to the petitioner to seek any other remedy available to the petitioner in accordance with law.

(Hemant Gupta, J.)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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