

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.744 of 2016

Arising Out of PS.Case No. -79 Year-2016 Thana –Bahera District- DARBHANGA

Viveka Nand Thakur, Son of Late Gajendra Prasad Thakur, Resident of Village- Parri, P.O- Parri, P.S- Biraul, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The Senior Superintendent of Police, Darbhanga.
5. The Sub Divisional Officer cum Sub Divisional Magistrate, Benipur Sub Division, District- Darbhanga.
6. Land Reforms Deputy Collector, Benipur, District- Darbhanga.
7. The Dy Superintendent of Police/ S.D.P.O, Banipur, District- Darbhanga.
8. The Anchal Adhikari, Benipur Anchal, District- Darbhanga.
9. The Officer-in-Charge, Bahera Police Station, District- Darbhanga.
10. The Officer in Charge, Biraul Police Station, District- Darbhanga.
11. Shivji Chaupal, Son of Late Subai Chaupal.
12. Challitar Chaupal, Son of Late Subai Chaupal.
13. Raj Kumar Chaupal, Son of Challitar Chaupal.
14. Lalan Chaupal, Son of Challitar Chaupal.
15. Raju Chaupal, Son of Challitar Chaupal.
16. Sanjeet Chaupal, Son of Shivji Chaupal.
17. Jagdishpur Genawali, Wife of Shivji Chaupal.
18. Nawa Nagarwali, Wife of Challitar Chaupal.
19. Bithauliwali, Wife of Sanjeet Chaupal.
20. Maharajpurwali, Wife of Raj Kunwar Chaupal.
21. Shivrinarwali, Wife of Lalan Chaupal.
22. Harsinghpurwali, Wife of Raju Chaupal. All Respondent no 11 to 22 are resident of Village- Brahampatti, Malol, P.S- Bahera, District- Darbhanga.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha, Advocate.

For the Respondent/s : Mr. S.S.P. Yadav, S.C.-14

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 23-09-2016

Heard learned counsel for the parties.

2. The petitioner has invoked the writ jurisdiction of

this Court for a direction to the respondents to protect the life and property of the petitioner from Respondent Nos. 11 to 22 who are obstructing the possession of the petitioner over his land.

3. The petitioner claims title over the suit land relying upon the decree passed by the Civil Court. On the other hand, the private respondents are said to be wholly unconnected with the land in question but it is alleged that they are threatening to dispossess the petitioner. Therefore, the petitioner has invoked the jurisdiction of this Court.

4. In the counter affidavit, there is assertion that Police Officer of Bahera Police Station has submitted a report to the court of learned Sub-Divisional Magistrate, Benipur under Section 116 (3) of the Code of Criminal Procedure against Shivjee Choupal and others vide Bahera P.S. Non-F.I.R. No. 7 of 2016 dated 11th of January, 2016. It is also pointed out that in Bahera P.S. Case No. 79/2016 charge-sheet has been filed in the court of learned Additional Chief Judicial Magistrate, Benipur.

5. I have heard learned counsel for the parties and gone through the record.

6. The grievance of the petitioner is threatened dispossession. For such threatened dispossession, the petitioner has effective alternative remedy before the Civil Court. In respect of other

grievances, two First Information Reports already stand lodged and in one even charge-sheet stands filed.

7. I do not find that any case is made out for providing police help to protect the life and property of the petitioner.

8. The writ application is, thus, disposed of.

(Hemant Gupta, J)

P.K.P.

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