

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23753 of 2013

Bindu Nath Jha Son Of Ramautar Jha Resident Of Village Harri P.S. Rudrapur District Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar Through The District Magistrate Madhubani
2. The Superintendent Of Police, Madhubani District Madhubani
3. The Deputy Superintendent Of Police, Jhanjharpur District Madhubani
4. The Sub Divisional Magistrate Jhanjharpur District Madhubani
5. The Circle Officer, Jhanjharpur District Madhubani
6. The S.H.O. Jhanjharpur Police Station District Madhubani
7. The S.H.O. Rudrapur Police Station District Madhubani
8. Shiv Nath Singh (Nonia) Son Of Late Ghuran Singh Resident Of Village Harri Tole Ghataua P.S. Rudrapur District Madhubani
9. Indradev Singh Son Of Shiv Nath Singh Resident Of Village Harri Tole Ghataua P.S. Rudrapur District Madhubani
10. Ravi Singh Son Of Late Thakai Singh Resident Of Village Harri Tole Ghataua P.S. Rudrapur District Madhubani
11. Mangal Singh Son Of Late Kari Singh Resident Of Village Harri Tole Ghataua P.S. Rudrapur District Madhubani
12. Bhutai Das @ Rameshwar Das Son Of Late Nankoo Das Resident Of Village Harri Tole Ghataua P.S. Rudrapur District Madhubani
13. Smt. Surmila Devi Son Of Bhutai Das Resident Of Village Harri Tole Ghataua P.S. Rudrapur District Madhubani
14. Yogendra Singh Son Of Gangai Singh (Nonia) Resident Of Village Harri Tole Ghataua P.S. Rudrapur District Madhubani
15. Ram Bilash Singh Son Of Late Baidyanath Singh (Nonia) Resident Of Village Tajpur P.S. Jhanjharpur District Madhubani
16. Smt. Rekha Devi Wife Of Jibach Singh Resident Of Village Tajpur P.S. Jhanjharpur District Madhubani
17. Nathuni Singh Son Of Late Nand Lal Singh Resident Of Village Tajpur P.S. Jhanjharpur District Madhubani
18. Ram Nath Singh Son Of Matar Singh Resident Of Village Tajpur P.S. Jhanjharpur District Madhubani
19. Jhameli Singh Son Of Late Lakhan Singh Resident Of Village Tajpur P.S. Jhanjharpur District Madhubani
20. Samodhi Singh Son Of Late Gopal Singh Resident Of Village Tajpur P.S. Jhanjharpur District Madhubani
21. Domi Singh Son Of Late Sitai Singh Resident Of Village Tajpur P.S. Jhanjharpur District Madhubani
22. Phekkhan Singh Son Of Late Chaudhary Singh Resident Of Village Tajpur P.S. Jhanjharpur District Madhubani

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. MANOJ KUMAR JHA
Mr. Rupesh Kumar Verma

For the Respondent/s : Mr. RAJESH KUMAR
Mr. Amish Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 25-07-2016

Heard Mr. Jha for the petitioner and Mr. Amish Kumar, AC to
AAG-8 for the State.

The writ application prays for a direction upon the respondents for giving him State protection as his life and property is in danger. A piece of land measuring 03 bigha, 11 katha in mauza Tajpur in the district of Madhubani is the bone of contention. The petitioner claims purchase of the land through sale deed(s) executed in 1989 and 1996. He also claims to have mutated the subject land in his name in the revenue record. The private respondents, it is alleged, are creating problem in possession of the land. In 2002, a proceeding was taken up against the private respondents before the Sub-Divisional Magistrate vide Misc. Case (P. Case) No. 368 of 2002 wherein a direction was given to the officer-in-charge to provide police protection in harvesting the crops standing on the subject land. Referring to Annexure-6, it is stated that the Sub-Divisional Officer, Jhanjhanpur, on a representation filed by the father of the petitioner, instructed the officer-in-charge(s) of Jhanjharpur and Rudrapur as well as the Circle Officer, Jhanjharpur for taking appropriate steps in respect of the subject land in order to maintain law and order situation. It is submitted that he has not been provided adequate police protection.

In paragraph 5 of the counter affidavit, the respondent has stated that the State, in order to maintain law and order situation, is legally obliged to provide protection so that a person having lawful title and possession over the land continues to enjoy its usufruct.

Mr. Jha the counsel for the petitioner states that in spite of aforesaid, the respondent State has not provided adequate protection to the petitioner. The counsel for the State, on the other hand, submitted that if there is an order to provide police protection to the petitioner and the same has not been provided, the petitioner may be permitted to approach the Superintendent of Police/Sr. Superintendent of Police for enforcement of the said order by directing the concerned police station to provide adequate protection to the party in whose favour the orders have been passed. He also points out in this regard the statements made by the petitioner in the representation filed before the Sub-Divisional Officer.

Considering the facts and circumstances of the case, the writ application is disposed of by permitting the petitioner to approach the Superintendent of Police, Madhubani as well as the District Magistrate , Madhubani for ventilation of his grievance in respect of the property in dispute and place all relevant facts before the said respondents enabling them to take appropriate decision and/or pass appropriate order in accordance with law as quickly as possible preferably within 06 weeks from such filing. It will be open to those to provide an opportunity of hearing to concerned parties.

(Kishore Kumar Mandal, J)

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