

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.542 of 2016

Arising out of PS.Case No. Year- Thana -District- NALANDA (BIHARSHARIFF)

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Meena Sinha, Wife of Ajay Kumar Sinha, Resident of Vill- Nanand, P.S. Silao,
District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Divisional Commissioner, Patna.
3. District Magistrate, Patna.
4. Senior Superintendent of Police, Patna
5. Deputy Superintendent of Police, Patna City
6. Sub Divisional Police Officer, Patna City.
7. S.H.O., Agam Kuan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Daya Shankar Sinha, Advocate.

For the Respondent/s : Mr. S.P. Singh, G.A. 3

Mr. Shiv Kumar, A.C. to G.A. 3

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 14-09-2016

The petitioner is a purchaser of 44 decimals of land from the legal heirs of M/S Hanuman Mahto and Lakhan Mahto vide different sale-deeds dated 1st of July, 2003. A Title Suit was pending in respect of the land in question since 1993 in which the petitioner filed an application and has been transposed as the plaintiff.

2. The grievance of the petitioner is that the defendants or other persons are threatening to raise construction on the land purchased by the petitioner and, therefore, there should be restrained to create new construction permanently or any encroachment or

changing the physical position of the suit land. The petitioner has prayed for attachment under Order 38 Rule 5 of the Code of Civil Procedure.

3. I find that the present writ application is wholly misconceived. Once the petitioner is before the Civil Court, it is the Civil Court which will consider the grant of injunction or pass an order for attachment. The present Criminal Writ Application for claiming such relief is wholly misconceived.

4. The other grievance of the petitioner is that an injunction application was filed in the year 2012 before the Sub Judge-III, Patna City but the same has not been decided so far. If that be so, the learned trial court is directed to decide the application for injunction expeditiously in accordance with law.

5. The writ application stands disposed of accordingly.

(Hemant Gupta, J)

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N.A.F.R.

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