

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.571 of 2015

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1. Abdul Hamid Alam son of late Abdul Salam, Resident of village/Mohalla- Khetarri near Jail Talab, PO and P.S.- Ara Town, District- Bhojpur at Ara

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Home Department, Government of Bihar, Patna
3. The District Magistrate, Bhojpur at Ara
4. The Superintendent of Police, Bhojpur, Ara
5. The Sub-Divisional Officer, Ara Town
6. The Dy. Superintendent of Police, Ara
7. The Officer-in-Charge Town Police Station, Ara
8. Md. Salahuddin Akhtar
9. Md. Sahab Akhtar, both sons of Majijuddin, both resident of Haroon Colony, Sector-2, Phulwari Sharif, PS- Phulwarisharif, District- Patna
10. Khurshid Quraishi son of late Jamil Quraishi, Resident of- Kazab Tola, PS- Ara, District- Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Bhagat

For the Respondent/s : Mr. Smt.Sangeeta Kumari (Gp-28)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

7 20-12-2016 Heard the counsel for the petitioner, respondent nos.
8 and 9 and the State.

The petitioner prays for the following relief as
culled out in para -1:-

“(i) That petitioner invokes the inherent jurisdiction of this Hon’ble Court for issuance of a writ in the nature of mandamus commanding the respondent no.3 District Magistrate Bhojpur, at Ara and Sub- Divisional Officer Ara Sadar to get the possession of the petitioner restore in his house which has been captured illegally by a criminal Khurshid Quraishi of Sri Shahab Akhtar Retd. I.G. with the connivance of local police, by the



criminal and further for appropriate direction for respondent no.4 the Superintendent of Police Bhojpur, at Ara to provide police protection to the petitioner since the life and liberty as well as the property are in danger in the hands of criminals who had protection of the local police and for any other writ / writs, command /commands, direction/directions as your lordship may deem fit and proper in the facts and circumstances of the case.”

According to the writ petitioner, the petitioner is the owner of the subject -property detailed in para 4 of the writ petition being the descendants of Khodadad and Mosmat Khatiza. The assertion is that he has been forcibly removed therefrom.

Learned counsel for the respondent nos. 8 and 9, on the other hand, submits that the subject- property belonged to them. The petitioner, on his own, vacated the premises.

It appears on going through the pleadings on record that for his forceful eviction the petitioner has lodged a criminal case which is pending consideration before the Court of law. It is not desirable for this Court to opine anything which may affect the criminal trial pending against the private respondents herein lodged by the petitioner.

On hearing both parties, it appears to this Court that there is serious dispute of title involved with respect to the subject-property. The petitioner, instead of approaching the Court of



competent jurisdiction for appropriate declaration or relief, has filed the present writ petition for a direction to provide him protection of the State and restore possession over the subject-property. In my considered view, such relief, on the basis of the pleadings made in the writ petition, cannot be granted to the petitioner. If the petitioner has any threat to his life, he may approach the District Security Committee for providing him appropriate security either on payment or without payment of cost.

The Court further observes in case the petitioner files a suit for appropriate relief(s), it will also be open to him to seek any interim protection or order, if the facts so warrant, in accordance with law.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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