

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3979 of 2014

Dhano Singh S/O Late Balo Singh Resident Of Village- Mayapur, P.S.- Wazirganj,
District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretary, Patna
2. The Director General of Police, Government of Bihar, Old Secretary, Patna
3. The District Magistrate, Gaya, District- Gaya
4. The Senior Superintendent of Police, Gaya, District- Gaya
5. The Inspector of Police, Chandauti, District- Gaya
6. The Officer In Charge Of Chandauti Police Station, District- Gaya
7. Chote Lal Yadav S/O Fagu Rajbanshi Resident Of Village- Majhgawan, P.S.- Wazirganj, District Gaya
8. Munna Devi W/O Chhote Lal Rajbanshi Resident Of Village- Majhiawan, P.S.- Wazirganj, District Gaya

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. RAVINDRA KUMAR SINHA
For the Respondent/s : Mr. A.HAIDER

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 28-09-2016

Heard the counsel for the petitioner and the State.

The application seeks a direction upon the private respondents not to disturb his possession over the piece of land detailed in paragraph 3 as also upon the State respondent(s) to protect his property as the private respondents are taking valiant steps to dispossess him from the said land/property.

It is submitted that the petitioner purchased the said land in the year 1967. The heirs of the same vendor subsequently sold the land in favour of the private respondent no.7 and 8. Naturally, a dispute arose over the title and possession of the land. It is stated that the private respondents filed a title suit being T.S. No. 108 of 2009 for a declaration of their right, title and interest thereover. The same was contested by the petitioner. The trial court dismissed the suit. It is submitted that the decree of the court of competent civil

jurisdiction is also in favour of the petitioner and, as such, the payer be allowed and the State respondent(s) be directed to provide protection to the petitioner in maintaining his possession over the subject land.

The counsel for the State, however, points out from paragraph 7 of the writ petition that aggrieved by the dismissal of T.S. No. 108 of 2009, the plaintiff/private respondents have filed T.A. No. 100 of 2011 which is currently pending on the file of the learned FTC-III, Gaya.

It is thus seen that a lis is pending before the court of competent civil jurisdiction in respect of the subject land. The petitioner could have approached the court of appeal for an injunction or the restraint order, as the case may be. If there is any emergent situation arising out in respect of subject land, he could have approached the court under the Code of Criminal Procedure for orders in accordance with law.

As the dispute in respect of the subject land is pending before a court of law, this Court is reluctant/loath to exercise its extraordinary and discretionary writ jurisdiction leaving the petitioner to agitate the matter before the appropriate authority/forum in accordance with law.

The writ application stands disposed of.

(Kishore Kumar Mandal, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	
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