

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.620 of 2016

Arising out of P.S. Case No. - Year- Thana - District- PATNA

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Anil Singh, aged about 57 years, son of late Dr. Ramraj Singh and late Mrs. Sumitra Devi, Presently resident of MIG-216, Kankarbagh Colony, P.O.- Lohia Nagar, P.S. - Kankarbagh in the District of Patna, Bihar

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Government of Bihar, New Secretariat, Patna
2. The Senior Superintendent of Police, Patna, Bihar
3. The Station House Officer, Shastri Nagar, Police Station, Shastri Nagar, Patna
4. Mr. Subodh Prasad Singh, Assistant Sub Inspector of Police, Shastri Nagar, Police Station, Shastri Nagar, Patna
5. Mr. Girdhar Prasad, Sub Inspector of Police, Shastri Nagar Police Station, Shastri Nagar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Pratap Singh, Advocate.

For the Respondent/s : Mr. Chandra Shekhar Singh, A.C. to G.A. 10

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 19-10-2016

Heard learned counsel for the parties.

2. The petitioner claims a writ in the nature of a writ of prohibition restraining Respondent Nos. 4 and 5 from interfering in the management of the affairs at the land having Plot/ Khesra No.1323, Khata No. 757, Mauza- Mainpura-02, Jamabandi No. 2663 measuring an area of 10 Katha.

3. The parents of the petitioner is said to have purchased the said land vide registered sale-deed dated 6th of April, 1981. The father of the petitioner died on 4th of December, 1982 and



the mother on 13th of July, 2015 and, therefore, the petitioner claims to be owner and in possession of the said land. It is also pleaded that the land was purchased from one Jaimangal Singh who has in turn purchased the land from Deep Narayan Sinha on 13th of December, 1974. Deep Narayan Sinha has purchased the land from one Jungle Bhagat. Thus, petitioner claims to be the rightful owner and in possession of the suit land on the basis of title.

4. In the counter affidavit filed on behalf of Respondent Nos. 3 and 4, it is stated that the allegations made by the petitioner against the police authorities are baseless. It is pointed out that one Amar Paswan has filed an application before the Station House Officer of Shastri Nagar Police Station that forcibly some anti-social elements are intend to take possession of his land situated in Mauza-Mainpura, Thana-2 under Shastri Nagar Police Station bearing Khata No. 757, Plot No. 1323. It is pointed out that on the basis of report of apprehension of breach of peace, proceedings under Section 107 of the Code of Criminal Procedure has been initiated on 20th of August, 2015 and, thereafter a report under Section 144 of the Code of Criminal Procedure has been submitted on 21st of December, 2015. It is thereafter, the proceedings started in the Court of Sub-Divisional Magistrate, Sadar, Patna.

5. A perusal of the petition and the counter affidavit

shows that the petitioner has not disclosed the pendency of the proceedings under Section 107 or 144 of the Code of Criminal Procedure although the petition was filed in the month of June, 2016. Still further, the dispute pertains to the possession of the land which petitioner claims to be owned by him. The disputes regarding title and possession of the land are required to be settled before the Civil Court and not through the Criminal Writ Court where disputed questions of fact cannot be examined when the dispute is purely of civil nature.

6. Consequently, the present writ application is dismissed. It shall be open to the petitioner to avail such other remedy as is available to the petitioner in accordance with law.

(Hemant Gupta, J)

P.K.P.

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