

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.361 of 2016

Arising Out of PS.Case No. - Year- Thana - District- SAHARSA

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Mohanth Krishnanand Giri, Son of Sunder Giri, Resident of Kopa, P.S.- Sonwarsha Raj (Kashnagar O.P.), District - Saharsa (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary
2. The Home Secretary, the State of Bihar
3. The District Magistrate, Saharsa
4. The Superintendent of Police, Saharsa
5. Ramchandra Keshri, Son of Late Shivbalak Keshri, R/o- Kopa, P.S.- Sonwarsha Raj, District - Saharsa
6. Hira Devi, Wife of Ramchandra Keshri, R/o- Kopa, P.S.- Sonwarsha Raj, District - Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar Prabhakar, Advocate.

For the Respondent/s : Mr. Ravi Ranjan, A.C. to S.C. 22

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL JUDGMENT

Date: 14-09-2016

Petitioner has invoked the writ jurisdiction of this Court for directing Respondent Nos. 5 and 6 to vacate the premises/house of the petitioner which according to the petitioner they have occupied forcibly and illegally.

2. The other prayer of the petitioner is to provide

necessary protection to the petitioner and his family members and to his property.

3. Learned counsel for the petitioner refers to a letter dated 14th of May, 2013 (Annexure-5) to assert that Respondent Nos. 5 and 6 were given possession of the house for the purpose of marriage of their daughter but now they are refusing to vacate the premises.

4. There is order passed by the Deputy Collector Land Reforms, Saharsa on 21st of July, 2014 directing the respondents to vacate the house within one month. An execution was filed thereafter to execute the said order but the proceedings were dropped in view of the fact that the issue pertains to eviction and in view of the order passed by this Court in C.W.J.C. No. 23061 on 18th of February, 2014 that this matter does not fall within the jurisdiction of Deputy Collector Land Reforms.

5. In view of the order passed, it is open to the petitioner to avail such other remedy as is available to the petitioner in accordance with law. However, this Court will not exercise the criminal writ jurisdiction for eviction of a person said to be in an unauthorized possession of the house in question.

6. The writ application is, thus, disposed of with liberty to the petitioner to take such other remedy as is available to the

petitioner in accordance with law.

(Hemant Gupta, J)

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