

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2008 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- GOPALGANJ

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Dr. Dhruo Deo Mali, S/o. Adalat Mali, R/o. Village- Sawanahi Pati Tola Dhoom Nagar P.S. Phulwaria, District- Gopalganj, presently residing at Thawe Road (near bus stand) P.O. + P.S. Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Bihar, Patna
2. The Inspector General of Police, Muzaffarpur, Bihar
3. The Deputy Inspector General of Police, Saran at Chapra
4. The District Magistrate, Gopalganj
5. The Superintendent of Police, Gopalganj
6. The Sub-Divisional Officer, Gopalganj
7. The Sub-Divisional Police Officer, Gopalganj
8. The Officer-in-Charge, Gopalganj Town Police Station, Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Singh, Advocate

For the Respondent/s : Md. Nasrul Huda Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-11-2017

Heard learned counsel for the parties.

2. Khata No. 130 consisting of Plot Nos.1232, 1233 and 1234, total area 2 Katha 10 Dhur, near Kali Sthan Road, Ward No.4, P.S. Gopalganj Town, District- Gopalganj, is subject matter of dispute in Title Suit No.562 of 2017 before the learned Sub-Judge VI, Gopalganj. The petitioner along with his wife who is main defendant is party to the suit.

3. By order dated 18.08.2017, the learned Sub-Judge VI, Gopalganj, has allowed the prayer of the plaintiff under Order XXXIX Rule 1 read with Section 151 of the Code of Civil Procedure



and has restrained the defendants including the petitioner temporarily from disturbing the physical possession and easementary right attached to the suit property.

4. Submission of the learned counsel for the petitioner is that the plaintiff of the suit being embolden by the said order and in collusion with the police official has started construction over the land of the petitioner with the help of antisocial elements.

5. The petitioner has remedy to appear in the Civil Suit and pray for vacation of interim injunction order, which shall be disposed of by the learned Court-below at the earliest. In the aforesaid facts and circumstances, no direction can be issued to the police as this Court cannot enter into the disputed question of fact of actual possession of the land. Hence, this writ application stands disposed of with the aforesaid observation.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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