

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16270 of 2016

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Rashida Khatoon Wife of Late Syed Ashique, Resident of Mohalla- Dargah Shah Arjan, Police Station- Sultanganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Inspector General of Police, Government of Bihar, Patna.
4. The District Magistrate, District- Patna.
5. The Superintendent of Police, Patna.
6. The Sub Divisional Magistrate, Patna City, Patna.
7. The Circle Officer, Sadar, Patna.
8. Ajay Kumar, the Secretary, Roop Narain Singh, Trust Mohalla- Diwan, Patna City, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Respondent/s : Mr. SHEOSHANKAR PRASAD-SC8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 17-11-2017

Heard Mr. Alamdar Hussain, learned senior counsel for the petitioner and learned AC to SC 8.

2. The present writ application has been filed for direction to the respondent authorities to take strict legal action upon the representations submitted by the petitioner's daughter before the respondent no. 2 and 6, the Director General of Police, Government of Bihar, Patna and The Sub Divisional Magistrate, Patna City Patna, respectively.

3. On 04.02.2010 and 24.02.2015 the petitioner submitted representations before the respondent nos. 2 and 6,



respectively, as contained in Annexure-4 and 5 to the writ application, for deputation of police force on land appertaining to Khata No. 850, Plot No. 2207, Tauzi No. 303 situated at Dhanki More, Police Station – Agam Kuan, Sandalpur, Patna, to enable the petitioner to get the boundary wall constructed over her land.

4. Learned counsel for the petitioner however confines her prayer to the extent that the representation submitted to The Director General of Police, Government of Bihar, Patna and The Sub Divisional Magistrate, Patna City, Patna as contained in Annexure-4 and 5 be disposed of within a time frame.

5. Learned counsel for the petitioner submits that the land in question belong to the petitioner and after vesting of Zamindari and in pursuance to order passed in Mutation Case No. 34 of 2004/2010-11, the land in question was mutated in favour of the petitioner. But in pursuance of the mutation order the Revenue Karamchari refused to receive the rent. The petitioner preferred a writ application bearing C.W.J.C. No. 5859 of 2014, wherein a Bench of this Court vide order dated 06.08.2014, contained in Annexure-1, directed the District Magistrate, Patna to look into the grievance of the petitioner and to find out on what ground the Revenue Karamchari has refused to issue rent receipt to the petitioner and after proper enquiry a reasoned order be passed within a period of eight weeks.



Consequently, the enquiry was conducted by Executive Officer, Patna City and the enquiry report was submitted by Sub Divisional Officer, Patna City to the Additional Collector, Patna vide Letter No. 417 dated 08.08.2014, as contained in Annexure-2 to the effect that the land in question belongs to the petitioner. Thereafter, the rent of the land was accepted and rent receipt was issued to the petitioner but when the petitioner and her daughter went to erect the boundary wall, she was prevented from doing so by some anti-social elements, upon which the representations, as contained in Annexure- 4 and 5, were submitted by the daughter of the petitioner before the Director General of Police, Government of Bihar, Patna and the Sub Divisional Magistrate, Patna City, Patna, but the said representations have not been disposed of as yet. Hence the present writ application.

5. In view of the order of this Court it is imperative on the part of the administration to provide security and protection to the citizens. No citizen can be deprived of his right under Article 300(A) as well as under Article 21 of the Constitution of India.

6. In the circumstances, it is expected from the Director General of Police, Government of Bihar, Patna to dispose of the representation of the petitioner within a period of six weeks and to do the needful in accordance with law.

7. However, this Court makes it clear that this Court has



not formed any opinion with regard to the right, title of the parties over the land in question.

8. Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

