

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.733 of 2016

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1. Sangeeta Singh daughter of Late Bishnu Deo Prasad Singh resident of Sumati Path, Ranighatt, P.S.- Sultanganj, P.O.- Mahendru, District- Patna Present Resident of C/o Ram Vinod Sharma, Jay Prakash Nagar, Digha, P.S. Digha, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Home and Police, Bihar, Patna
3. The Inspector General of Police, Patna
4. The Senior Superintendent of Police , Patna
5. The Deputy Superintendent of Police, Patna City
6. Dinesh Chandra Srivastava, the Officer Incharge, Sultanganj Police Station, Patna
7. Nutan Singh wife of Late prem Kumar Singh, Office at N.C.C. Directorates, Bhihar & Jharkhand, Establishment Branch, Rajendra Path, P.S.- Bahadurpur, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Dilbar Krishna, Advocate
For Respondent No.7 : Mr. Kuber Pathak, Advocate
Dr. Anshuman, Advocate
For the State : Mr. Alok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

8 01-11-2017 Heard learned counsel for the parties.

The petitioner has prayed for a direction to the respondents to provide adequate security and protection to the life and property of the petitioner which is at stake at the hands of respondent No.7 Nutan Singh.

Respondent No.7 in her detailed counter affidavit has specifically stated that petitioner is her Nanad and there is property dispute. The petitioner has already filed Partition Suit



No.36 of 2013 for getting share in her father's property though joint family property was already partitioned in the year 2004 itself and at that time the daughter had no property right.

The State-respondents in their counter affidavit have stated that there is dispute for property between the parties.

Considering the nature of dispute and nature of relationship between the parties, this Court is not inclined to grant any relief. However, liberty is given to the petitioner to move appropriate District Level Security Committee for needful if so advised.

Further prayer is for restoration of possession in favour of the petitioner on the ground floor of the disputed house.

Contention of the respondent is that she was not in possession of the said house and the Civil Court is competent to take care of this issue where partition suit is pending. Hence, this writ Court should not interfere in the disputed question of fact.

I find substance in the submission of the learned counsel for the respondent.

Considering the pendency of the civil suit and the remedy to the petitioner thereat, this Court is not inclined to grant any relief in exercise of writ jurisdiction to the petitioner to get her possession restored.



Next prayer is for direction to the respondents to institute a criminal case against respondent Nos.6 and 7, who are Officer-in-Charge, Sultanganj P.S. and Bhabhi of the petitioner respectively as they allegedly thrown out the petitioner from the possession of the said house and disrupted supply of electricity and water.

The aforesaid fact has been denied by the respondent. Hence, the same is a disputed question of fact and this writ Court cannot go into that. Accordingly, this writ application stands dismissed as devoid of any merit.

(Birendra Kumar, J)

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