

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1388 of 2017

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

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1. Dr. Sanjiv Ranjan Kumar Singh S/o Late Dr. Vijoy Kumar Singh, Resident of Village - 38/60, Officer's Flat, near Hartali Chowk, Bailey Road, P.S. - Kotwali, Distt. - Patna. Permanent resident of village - West Church Road, Rampur, Gaya, P.S. - Rampur, Distt. - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Principal Secretary, Home Special, Government of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Inspector General of Police, Government of Bihar, Patna.
6. The District Magistrate, Gaya.
7. The S.D.O. Sadar, Gaya.
8. The Circle Officer, Chandauti, Gaya.
9. The Deputy Inspector General of Police, Magadh Range, Gaya.
10. The Senior Superintendent of Police, Gaya.
11. The City Superintendent of Police, Gaya.
12. The Deputy Superintendent of Police, Gaya.
13. The Inspector, Rampur Police Station, Gaya.
14. The District Forest Officer, Gaya.
15. Rajeev Kumar Singh @ Chhunnu Singh S/o Sri Mithilesh Singh Pyara Gharana Apartment, Phase - 1, Flat No. - 104, Chandauti More, P.S. - Chandauti, Distt. - Gaya permanent resident of village - Tetar, P.S. - Atri, Distt. - Gaya.
16. Mr. Abhay Kumar Singh S/o Late Yadunandan Singh R/v - Bela, P.S. - Atri, Distt - Gaya at present residing at Mohalla - Mohan Nagar, Opposite of Dr. Sharda Singh, P.S. - Rampur, Distt. - Gaya.
17. The Officer-in-charge of Rampur Police Station, Gaya.
18. The Other Police Officials on duty of Rampur Police Station, Gaya.
19. Anand Kumar Singh S/o Late Shankar Dayal Singh R/v - Pankaj Apartment, 50, Anugrah Narayan Path, North S.K.Puri, P.S. S.K. Puri, Distt - Patna - 800013.
20. Rekha Singh W/o Sri Anil Kumar Singh R/v - 17, Indra Nagar, Kanke Road, P.S. Kanke Road, Distt Ranchi.
21. Mr. Ankur Anil S/o Sri Anil Kumar Singh R/v - 17, Indra Nagar, Kanke Road, P.S. Kanke Road, Distt Ranchi.
22. Ms. Diksha Singh D/o Late Ravi Ranjan Singh, grand daughter of Late Binay Kumar Singh R/v - 17, Indra Nagar, Kanke Road, P.S. Kanke Road, Distt Ranchi.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha, Advocate Mr. S.K. Bhatnagar, Advocate
For the Respondent/s	:	Mr. A.K. Thakur, Advocate Mr. Shankar Verma, Advocate Mr. B.K. Mishra, Advocate



For the State : Mr. Dhurendra Kumar AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 14-11-2017

Heard learned counsel for the parties.

2. Initially two sons of late Vijoy Kumar Singh filed this writ application for issuance of a mandamus to the respondent first set, who are State-authorities, to protect the life and property of the petitioners, at stake at the hands of respondent second set, who are mainly private respondents. One of the petitioners Rajiv Ranjan Kumar Singh died during the pendency of this writ application. Hence, his name has already been deleted.

3. In para-7 of the writ application, the petitioner has stated that Aprajita Devi was mother of Dr. Vijoy Kumar Singh, Binay Kumar Singh and Anand Kumar Singh. She had purchased two bigha, one katha and sixteen doors of land at mohalla- West Church Road, Rampur in the town and district of Gaya. Besides the aforesaid, she had other ancestral property also. The respondent second set, who are descendents of other two sons of Aprajita Devi, namely, Binay Kumar Singh and Anand Kumar Singh allegedly attempted to sell away rather sold the joint family property without any partition. It is further alleged that the Gaya House was exclusive property of the petitioner as the respondents never came in possession of the same; the same is recorded in the revenue records



in the name of the petitioner and his father. The electric connection is also in the name of the petitioner. Further contention is that the said property was released by the petitioner from mortgage by Aprajita Devi in favour of the Mahanth of Bodhgaya.

4. Learned counsel for the respondents submits that the perusal of the writ application would reveal that there is unity of title and possession and exclusive possession of a co-sharer would amount to possession of other co-sharers also unless contrary is proved.

5. The aggrieved party has got remedy before the Civil Court for redressal of his/their grievance against the sale of the joint family property by a coparcener or other grievances regarding forceful demolition of the boundary wall by the co-sharer.

6. This Writ Court cannot enter into disputed question of fact of partition or exclusive possession of the ancestral assets.

7. Accordingly, this writ application stands dismissed as devoid of any merit.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.11.2017
Transmission Date	

