

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.798 of 2016

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

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1. Prabhat Kumar Rai son of Sri Manorath Rai, resident of Village- Ghaghi, P.S. Nanpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Inspector General of Police, Tirhut Range, Muzaffarpur.
3. The District Magistrate, Sitamarhi.
4. The Superintendent of Police, Sitamarhi.
5. The S.D.M. Pupri, Sitamarhi.
6. The Circle Officer, Pupri, Sitamarhi.
7. The SHO Nanpur, P.S. Nanpur, District- Sitamarhi.
8. Laxman Rai son of Late Khelawan Rai
9. Pankaj Thakur, son of Late Ram Sajiwan Thakur, Both residents of village- Ghaghi, P.S. Nanpur, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate Mr. Birendra Kumar, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8 Mr. H.S. Sundaram, AC to S.C. 8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 02-11-2017

Heard learned counsel for the petitioner and the State.

2. This writ application has been preferred for issuance of mandamus against the respondents commanding authority to provide security to the petitioner to protect the life and property of the petitioner.

3. The second prayer is for a direction to the respondent second set not to disturb the right title and possession of the petitioner over the land in question as well as to not create any nuisance with the help of antisocial element inasmuch as the respondent second set are constructing a temple just by the side of the public road by encroaching the public land as well as the raiyati land of this petitioner.



4. In the counter affidavit respondent No.3 stated on oath in paragraphs 6 and 7 that a proceeding under Section 144 Cr.P.C. was initiated for the said disputed land relating to plot No. 219 under Khata No. 493 as Mahranisthan Mandir, which is old one, is situated on part of plot No.219, which is a raiyati land and part of plot No.248 under Khata No.539, which is a government land. It is further stated that on inquiry no encroachment of public road or no extension of temple was found rather it was found that old temple was being reconstructed at the original place after demolition of old one.

5. Considering the nature of dispute and the fact that the petitioner has appropriate remedy for redressal of his grievance before appropriate civil court which will decide whether there is any encroachment or not, this Court is not inclined to grant any relief in exercise of jurisdiction under Articles 226 and 227 of the Constitution of India. Furthermore, the petitioner may approach the appropriate Committee at the district level for protection of his life and the Committee shall pass appropriate order.

6. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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