

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No. 259 of 2015**

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

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Naresh Prasad Singh, Son of Late Bindeshwari Prasad Sinha, Resident of Mohalla -  
Gopal Singh Nepali Nagar, P.O. - Ashiana Nagar, P.S. - Rajeev Nagar, District -  
Patna.

.... .... Petitioner

Versus

1. The State of Bihar through District Magistrate, Patna at Collecteriate.
2. Sub-Divisional Magistrate, Patna Sadar at Collecteriate Compound, Patna.
3. Senior Superintendent of Police, Patna at S.S.P Office, North of Gandhi Maidan Patna.
4. The Officer In charge of Rajiv Nagar Police Station, Patna - 25.
5. Smt. Suchita Devi, wife of Ajay Kumar Thakur of village - Paharpur, P.S. - Mahnar, District - Vaishali, at present residing care of Satrugan Rai, Road No. - 24, P.S. Rajeev Nagar, Patna.
6. Sangita Devi, wife of Anil Kumar Singh, care of Shatrughan Rai (Cement Shop), Resident of Mohalla - Rajeev Nagar, Road No. 24, P.O. - Keshari Nagar, Patna - 25.
7. Shatrughan Rai, S/o Not Known, Road No. 24, Rajiv Nagar (Cement Shop), P.S Rajiv Nagar, District Patna
8. Sunil Rai, S/o Yadu Vanshi Rai, R/Mohalla Yaduvanshi Gali, P.S Digha, District Patna
9. Manoj Rai, S/o of Not Known, R/Mohalla Digha, P.S. Digha, District Patna
10. Satya Narayan Singh, S/o Shiv Nandan Singh, Secretary, Nirala Sahkari Grih Nirman Samiti, P.S Rajiv Nagar, District Patna
11. Mahendra Singh, S/o Jagdamba Singh, R/o Mohalla Digha Patliputra, P.S Digha, District Patna
12. Nilu Devi, W/o Late Mahendra Singh

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Aditya Kumar Singh-I, Advocate  
Mr. Ritesh Kumar Narayan Singh, Advocate  
For the Res. No. 5 : Mr. Vasudeo Ram, Advocate

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

ORAL JUDGMENT

**Date: 04-08-2017**

Heard learned counsels for the parties.

2. Annexure-11 to the writ application reveals that a proceeding under Section 144 of the Cr.P.C. was going on in between the petitioner and the private-respondents for land dispute relating to



Plot No. 2638. The proceeding was dropped for the reason mentioned in the order. Thereafter a proceeding under Section 145 of the Cr.P.C. is pending for the same dispute between the parties.

3. The petitioner has filed this writ application under Articles 226 and 227 of the Constitution of India for a direction to the respondent-authorities to protect the possession of the petitioner over the above referred land to which the petitioner claims possession after purchase through registered sale deed from Nirala Cooperative Society.

4. Submission of the learned counsel for the petitioner is that petitioner is residing in part of the land by making construction of the house and part of the land has been encroached in collusion with the State Government.

5. Since judicial remedy is there to the petitioner and the fact that this writ Court cannot look into the disputed question of fact and disputed evidence, I do not find any merit in this writ application.

6. Accordingly, this writ application stands dismissed.

**(Birendra Kumar, J)**

Kundan/-

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