

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19639 of 2016

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Panna, Wife of Shri KP Yadav, Resident of Village- Aran, P.S.- Vihira,
District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Ministry of Home, Patna.
2. District Magistrate, Saharsa.
3. Superintendent of Police, Saharsa.
4. SHO, P.S. Bihra, District Saharsa.
5. Arun Kumar Yadav, MLA Saharsa, S/o- Late Lakshmi Mandal, Village Aran,
P.S.- Bihra, District- Saharsa.
6. Gautam Kumar, S/o- Arun Kumar Yadav, Village- Aran, P.S.- Bihra, District-
Saharsa.
7. Amarendra Kumar @ Tutu, S/o-Arun Kumar Yadav, Village-Aran, P.S.-
Bihra, District- Saharsa.
8. Balkishore Yadav, S/o- Late Vishwanath Yadav, P.S. -Aran, District- Saharsa.
9. Brajesh Kumar @ Guddu, S/o- Balkishore Yadav, Village- Aran, P.S.- Bihra,
District- Saharsa.
10. Ratnesh Prasad, S/o- Balkishore Yadav, Village- Aran, P.S.- Bihra, District-
Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Nath Singh Yadav, Adv.
For the Respondent/s : Mr. (Md.) Nadeem Seraj, GP-5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-12-2017 Heard Mr. Col Sanjay Sitanshu, learned counsel for the
petitioner and Md. Nadeem Seraj, learned GP-5 for the
respondent-State.

In view of the nature of prayer of the petitioner and also in
view of the nature of order this Court intends to pass, this Court
is neither inclined to adjourn the matter for filing counter
affidavit, nor inclined to issue notice to private respondent nos.



5 to 10.

The present writ application has been filed for a direction to the respondent authorities to restrain the private respondent nos. 5 to 10 from interfering in the right to life and the peaceful enjoyment of the property by the petitioner, and from forcefully evicting the petitioner from her land.

Learned counsel for the petitioner, at present, confines his prayer to the extent that the District Magistrate and S.P., Saharsa should entertain the representation submitted by the petitioner and pass necessary orders for providing safety and security to the right of life and the peaceful enjoyment of property by the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has purchased some land, but the private respondents are not allowing her to make construction or to enjoy the peaceful possession of the property, though an FIR, being Bihra P.S. Case No. 117 of 2016, was lodged against the private respondents, but the police deliberately did not take any action against the private respondents. Hence, the action or inaction of the respondent authorities, has jeopardized the peaceful life of the petitioner, who is a lady.

Learned GP-5 submits that there is nothing on record to



suggest that the petitioner filed any application before the District Magistrate and Superintendent of Police, Saharsa. So far as lodging of the criminal case is concerned, specific stand has been taken in paragraph no.13 of the counter affidavit filed on behalf of respondent no.3, that in the case lodged by the petitioner, the accusation has been only found true against Md. Allauddin and three unknown persons, whereas the accusation against other FIR named accused persons has not been found true. However, since the petitioner is a lady, if she submits an application before the District Magistrate and Superintendent of Police, Saharsa, then needful action will be taken.

Considering the rival submissions of the parties, this Court is of the view that if a citizen is feeling insecure with regard to property or life, this is not only violative of citizens rights guaranteed under Article 300A of the Constitution of India, but is also violative of rights as guaranteed under Article 21 of the Constitution of India.

In the circumstances, the petitioner is permitted to submit appropriate representation before the District Magistrate and Superintendent of Police, Saharsa within a period of four weeks from the date of receipt/production of a copy of this order when it is expected from the District Magistrate and Superintendent



of Police, Saharsa to take needful action in accordance with law
so that the petitioner should not feel insecure and threatened.

Accordingly, with the above observations and directions,
the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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