

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5866 of 2017

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Sri Rajendra Kumar Sharma, aged about 65 years, S/o Late Darbari Thakur,
resident of Village- Nadaul, P.S. Masaurhi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Home Deptt. Bihar, Patna.
2. District Magistrate, Patna.
3. S.S.P. Patna.
4. SHO, Masaurhi, Patna.
5. Sri Kishori Mohan, S/o Late Darbari Thakur.
6. Sri Narendra Kumar Sharma.
7. Sri Sanjay Kumar Sharma.
8. Sri Ajay Kumar Sharma, Sons of Late Ram Chandra Thakur, All resident of
Village- Nadaul, P.S.- Masaurhi, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh, Advocate

For the Respondent/s : Mr. Prabhat Kumar Verma-AAG3

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 07-09-2018

Heard learned counsel for the petitioner and the learned
counsel for the State.

2. The petitioner has filed this writ petition for
issuance of the writ in the nature of mandamus directing the District
Magistrate and the S.S.P., Patna for grant of protection to his life and
property.

3. The brief fact leading to the filing of this writ
petition is that the petitioner filed Title Suit No.22 of 2015 for
declaration of title on the lands mentioned in Schedules I, II, III and



IV of the plaint. The case of the petitioner is that Darbari Thakur had three sons and all the sons were separated. The lands were partitioned in the year 2007. The land mentioned in Schedule-II was allotted to the branch of Ram Chandra Thakur (defendant nos.2 to 4) respondent nos.6 to 8. The land of Schedule-III was allotted to the plaintiff-petitioner Rajendra Kumar Sharma and the land mentioned in Schedule-IV was allotted to Sri Kishori Mohan, respondent no.5. 74 decimals land of Plot No.862, Khata No.123 was left joint. Now the petitioner apprehends damage of his life and property at the hands of coparcener. The petitioner filed suit and the learned Sub Judge-Ist, Patna directed the parties including the petitioner and the defendant to maintain status quo with regard to the land mentioned in the plaint. There appears that there is bonafide land dispute between the petitioner and his co-sharers. If the petitioner has got any apprehension of being dispossessed from the possession of the land at the hands of his co-sharers, the petitioner has got remedy in the Civil Court by filing petition for restraining the defendant from interfering into the peaceful possession of the petitioner. On facts aforesaid, I do not find any reason to direct the District Authority to provide protection to the petitioner in order to resolve the bonafide land dispute among the co-sharer of the petitioner. Petitioner appears to have no genuine threat at the hand of co-sharers.



5. Accordingly, I do not find any merit in this writ petition. The same is dismissed.

(Prabhat Kumar Jha, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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