

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13924 of 2017

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Md. Habbibullah, Son of Khitab Hussain, Resident of Village- Bindusar,
Police Station Siwan Muffasil, District Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Sub-Divisional Officer, Siwan Sadar, District- Siwan.
5. The Circle Officer, Sadar Siwan, District Siwan.
6. The Officer-in-Charge, Muffasil Sadar, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha, SC19

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 04-10-2018

Heard learned counsel for the petitioner and learned
AC to SC 19 for the respondent-State.

The present writ application has been filed for a
direction to the respondent authorities to provide police protection
to the petitioner for construction of boundary wall over the
purchased land of the petitioner, appertaining to Khata No.127,
146 and 141, Survey Plot No.1979, 1980, 1981, 1982, 1983, 1984,
1985 and 1986, situated in Muaza Tarwan, Pergana Bara, P.S
Siwan Muffassil, District Siwan.

It is submitted by the learned counsel for the petitioner
that the petitioner is being restrained by some anti-social elements
in constructing the boundary wall over the land in question.



A counter affidavit has been filed on behalf of the Respondent Nos. 2, 4 and 5, whereby the claim of the petitioner, regarding mutation of land bearing Khata Nos. 127, 131, and 143, Plot Nos. 1972, 1973, 1974, 1975, 1976 and 1984, has specifically been controverted and it has been contended that the Circle Officer, Siwan Sadar, has rejected the petitioners application for mutation vide order dated 01.11.2013 in Mutation Case No. 2872 of 2013-14.

In reply to the same, learned counsel for the petitioner submits that the petitioner only claims protection with regard to the land over which he is having a title.

However, in view of the statement made by the respondent nos. 2 to 5 in Paragraph No.5 of the counter affidavit to the effect that Additional Collector, Siwan vide Memo No.540 dated 05.02.2018 has forwarded the complaint of the petitioner to Respondent No.6, the Officer In-charge, Police Station, Siwan (Muffasil) for taking appropriate action against the trouble makers in accordance with law, learned counsel for the petitioner prays for disposal of the present writ application in view of the statement made in paragraph no.5 of the counter affidavit.

Learned counsel for the respondents submits that with regard to the issue concerning protection to the property of the



petitioner, appropriate direction has been issued by Respondent No.2, the District Magistrate, Siwan to Respondent No.6, the Officer-In-charge, Siwan (Muffasil) Police Station. A statement to that effect has been made in Paragraph No.5, of the counter affidavit which reads as follows:

“(5) That it is stated and submitted that in the light of petitioner’s complaint and under the direction of the district Magistrate, Siwan, the Additional Collector, Siwan vide memo no. 540 dated- 05.02.2018 has forwarded the matter to the Incharge police, Station, P.S. Siwan (Muffasil) for taking appropriate action against the trouble makers in accordance with law.”

Considering the rival submission of the parties, it is expected from the respondent authorities to take a decision on providing protection to the petitioner so far as enjoyment of his possession over the land in which there is no dispute with regard to title of the petitioner.

Accordingly, with the above mentioned observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

