

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7435 of 2018

Subhadra Kumari Alias Subhadra Kumari Singh, Wife of Anjani Kumar Singh, Resident of Village- Numar, P.S.- Barhat, District- Jamui, at present Resident of- Flat No.- 302, Shashi Sudama Niketan, Road No.- 02, Rajendra Nagar, P.S.- Kadam Kuan, Town and District- Patna.

... .. Petitioner

Versus

1. The State of Bihar, through the Collector-cum- District Magistrate, Jamui, District- Jamui.
2. The Superintendent of Police, Jamui, District- Jamui.
3. The Commandant, Bihar Military Police No- 5, District- Patna.
4. The D.C.L.R..Jamui, District- Jamui.
5. The Circle Officer, Barhat, P.S.- Barhat, District- Jamui.
6. The Officer In- Charge, Barhat, P.S.- Barhat, District- Jamui.
7. Dayanidhi Singh, Son of- Late Shyam Singh, Resident of Village- Numar, P.S.- Barhat, District- Jamui.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
For the Respondent/s : Mr. Md. Khurshid Alam- AAG12

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 25-04-2018

Heard Mr. Sumeet Kumar Singh, learned counsel for the petitioner and Mrs. Nutan Sahay, learned AC to AAG-12 for the respondent-State.

Though, the present writ application was registered on 18.04.2018 and till date no counter affidavit has been filed, hence, in view of nature of order this Court intends to pass, this Court is neither inclined to adjourn the matter any further nor inclined to issue notice to private respondent no.7.

The present writ application has been filed for a direction to the respondent authorities, particularly respondent



no.1, the District Magistrate, Jamui and respondent no.2, the Superintendent of Police, Jamui to ensure the safety and security of 55 decimals of land of the petitioner, appertaining to Tauji No. 445, Khata No. 18, Plot No. 370, situated at Mauza Nashrichak, Pargana Parvatpara, Police Station Barhat, District Jamui.

It is submitted by learned counsel for the petitioner that the land in question is the purchased land of the petitioner. The petitioner, who is a lady, is not being allowed to cultivate her land at the hands of respondent no.7.

The representation was transmitted to respondent no.2, the Superintendent of Police, Jamui through registered post on 27.12.2017, as contained in Annexure-3 and on 12.01.2018, as contained in Annexure-4, but no action has been taken.

Learned counsel for the petitioner has relied upon the judgment passed by this Court in the case of **Uma Devi Vs. State of Bihar, reported in 2007(2) PLJR 474**, wherein the petitioner was restrained from making construction upon the land which came in the rightful possession of the petitioner by virtue of eviction decree, where the Court had directed to ensure that there is no illegal or unauthorized interference by third persons. Paragraph 5 of the judgment reads as follows:-

“5. This Court has considered the respective submissions of the counsel for the petitioner and the intervenor. In a civilised



society governed by the rule of law every citizen has a right to enjoy his or her property unfettered by interference, except in accordance with law. Any interference with this right of enjoyment without the sanction of the law cannot be countenanced by a court of law. Should such enjoyment of properties sanctioned by law be interfered with, it shall be the solemn duty of the State to ensure that a citizen is permitted to live freely and fearlessly and enjoy the property. Every man's home is his castle. In the present case, this Court finds that the petitioner is a purchaser of the lands, which are described in the sale deed. Part of the vended lands which subsequently came to the possession of the petitioner in pursuance of an eviction decree of a court of law are also described in the execution decree. The petitioner cannot be obstructed and prevented from making construction upon her lands described in the sale deed read in conjunction with the execution decree under a plan sanctioned by the competent authority much less by a third person."

Mrs. Nutan Sahay, learned AC to AAG-12 submits that at present, she is not having any instruction.

Considering the rival submissions of the parties, this Court is of the view that every citizen of India has a right to get the protection to his life and property and cannot be deprived of the same. It is the duty of the District Administration to ensure and provide adequate security to the citizen of India.

In the circumstances, the petitioner is permitted to submit an application before respondent nos.1 and 2, the District Magistrate and Superintendent of Police, Jamui within a period of



two weeks from the date of receipt/production of a copy of this order, whereupon the authorities will take needful action and dispose of the said representation in view of the ratio laid down in the case of Uma Devi (supra).

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

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.04.2018
Transmission Date	

