

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1025 of 2014

In

Civil Writ Jurisdiction Case No.4879 of 2010

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Mohan Rai S/o Late Laldeo Rai R/o Village Navratanpur, P.S. Kankarbagh,
District- Patna

... .. Petitioner/Appellant

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Sub- Divisional Officer, Patna Sadar, Patna
4. The Circle Officer, Patna Sadar, Patna
5. The Senior Superintendent of Police, Patna
6. The Deputy Superintendent of Police, Patna Town, Patna.
7. The Officer- in- Charge, Kankarbagh Police Station, Patna
8. Sri Kumar Mithilesh Pd. Singh, Circle Officer, Patna, Sadar, Patna.
9. Abhay Kumar Sinha S/o Late Sahdev Narayan Singh At present R/o Ashok Nagar Road No. 7, P.S- Kankerbagh, Distt- Patna.
10. Siyapati Devi, w/o late Sipahi Rai @ Sipahi Yadav R/o vill.- Nauratanpur, Postal Park, P.S. Kankarbagh, Distt- Patna.

... .. Respondents

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Appearance :

For the Appellant/s	:	Mr. Ranjeet Kumar Pandey
For the State	:	Mr. Arun Kumar Sinha
		Mr. Manoj Kumar, AC to GP-24
For the Respondent No.9:		Mr. Sudhir Kumar

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN

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ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

11 23-07-2018 Heard Mr. Sanjay Singh, learned counsel, appearing

for the appellant-writ petitioner along with Mr. Ranjeet Kumar

Pandey, learned counsel for the State and learned counsel for the

private respondent No. 9.

This intra-Court appeal arises from a judgment and
order of the learned Single Judge dated 21.08.2013 passed in



C.W.J.C. No. 4879 of 2010, whereby the learned Single Judge has refused to exercise the extra-ordinary writ jurisdiction vested, taking note of the civil nature of the dispute in between the appellant-writ petitioner and the private respondent.

The order impugned in the writ petition would confirm that the Circle Officer, not being satisfied by the documents presented by the appellant-writ petitioner, refused to accept the claim advanced, but, at the same time, directed for issuance of an F.I.R. against the appellant-writ petitioner. It is feeling aggrieved with this direction of the Circle Officer that he moved in the connected writ petition. The matter was heard on 11.07.2011 and understandably the appellant agreed to take recourse to the lawful remedy available to him for questioning the F.I.R. instituted on the direction of the Circle Officer. However, and insofar as the dispute in between the appellant-writ petitioner and the private respondent is concerned, the learned Single Judge, on consideration of the matter and on taking note of the submission of the appellant-writ petitioner that they are still in possession of the property in dispute, refused to exercise jurisdiction, taking note of the civil nature of dispute.

We do not find any infirmity in the opinion expressed



by the learned Single Judge, requiring interference for it is at the discretion of the parties litigating, to take recourse to the remedies so available to them in law.

The appeal is disposed of accordingly.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

HR-Ragini

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