

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1338 of 2017

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Md. Mumtaz Ali, Son of Allaudin Mian, Resident of Village- Dev, P.S.- Dev,
District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Home Department, Government of Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The Superintendent of Police, Aurangabad.
6. The Sub Divisional Police Officer, Aurangabad.
7. The Inspector of Police, Dev, Aurangabad.
8. The Circle Officer, Dev, Aurangabad.
9. Habib Mian, Son of Mansu, Resident of Village- Dev, P.S.- Dev, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Adv.
For the Respondent/s : Mr. Subhash Chandra Yadav, GP-15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 12-09-2018

Heard learned counsels for the petitioner and the
respondent-State.

The present writ application has been filed for a
direction to the respondent authorities to provide security to the



petitioner for the safety and protection of his right, title and interest over the land appertaining to Khata No. 346, Plot No.3553 and 3552, situated in Village-Dev, P.S.-Dev, District-Aurangabad.

It is submitted by learned counsel for the petitioner that the petitioner's right, title and interest over the land in question has been declared by virtue of decree passed in Title Suit No.153 of 1967 and Title Suit No. 109 of 1979, which subsequently has been upheld in Second Appeal vide Judgment dated 21.11.1991, passed in S.A.No.257 of 1989.

Counter affidavits have been filed on behalf of Respondent Nos. 4, 5 and 8, the District Magistrate, Aurangabad, the Superintendent of Police, Aurangabad and the Circle Officer, Dev, Aurangabad, respectively.

From perusal of the counter affidavits, it appears that though two title suits have been decided in favour of the petitioner, but one is still pending being Title Suit No.282 of 2006, preferred by Respondent No.9 with regard to the land in question.

It is further submitted by learned counsel for the petitioner that the petitioner submitted representations with a prayer for redressal of his grievance before the Respondent



Nos.4 and 5, District Magistrate and the Superintendent of Police, Aurangabad, respectively, on several occasions, as contained in Annexure-10 series, but the representation of the petitioner has been kept pending and the petitioner has not been provided security.

It is submitted by Ms. Sanghmitra Ghosh, learned AC to GP-15 that the property in question is still not free from litigation as Title Suit No.282 of 2006 is still pending. Moreover, the concerned police officials have been properly directed to ensure the safety and security of the petitioner and his property.

Considering the fact that the petitioner is not satisfied with the action being taken by respondent authorities to ensure the safety and security of the petitioner, this Court is of the view that the petitioner will submit a fresh representation before the Respondent Nos. 4 and 5, the District Magistrate and the Superintendent of Police, Aurangabad, respectively, within a period of three weeks from the date of receipt/production of a copy of this order, whereupon, it is expected from the respondent authorities, particularly, Respondent Nos. 4 and 5 to consider the grievance of the petitioner and to make sincere efforts to ensure the safety and security of the petitioner and his



property, in accordance with law as expeditiously as possible, preferably, within a period of six weeks thereafter.

It is made clear that this Court has not expressed any opinion with regard to title or possession of the petitioner over the land in question.

The writ application stands disposed of with the observation aforementioned.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

