

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1335 of 2017

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Sarita Devi, W/o Sri Ramesh Poddar, Resident of Madhurapur, P.S.- Bihpur,
District- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate-cum- Collector, District- Bhagalpur.
3. The Superintendent of Police, District- Bhagalpur.
4. The Sub-Divisional Officer, Naugachia, District- Bhagalpur.
5. The Anchal Adhikari, Narayanpur, District- Bhagalpur.
6. The Officer-in-Charge, Bihpur, P.S.- Bihpur (Bhawanipur), District- Bhagalpur.
7. Ravi Kumar,
8. Sonu Kumar, Both Sons of Naresh Poddar.
9. Smt. Madhu Devi, W/o Naresh Poddar, Sl. No.- 07 to 09, all Resident of Village- Azamnagar Road, P.S.- Azamnagar Road, District- Katihar, presently residing at Village and P.O.- Madhurapur, P.S.- Bihpur (Bhawanipur), District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar, Adv. Mr. Dharendra Kumar Jha, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-08-2018 Heard Mr. Dharendra Kumar Jha, learned counsel for

the petitioner and Mr. Wasi Ahmad, learned AC to SC 25 for the

respondent-State.

The present writ application has been filed for a

direction to the respondent authorities to get the encroachment

removed from the raiyati land of the petitioner, appertaining to

Revenue Thana No.07, Khata No. 1547, Plot No. 2084, situated

at Mauza Singhpur, Circle Narayanpur, District Bhagalpur,

which has been encroached upon by private Respondent Nos. 7



to 9.

It is submitted by learned counsel for the petitioner that the petitioner claims the land in question by virtue of purchase through a registered sale deed, but the said land in question has been encroached upon by private Respondent Nos. 7 to 9.

It appears from the pleadings made in the writ application that there are series of litigations, including a proceeding initiated under Section 144 Cr. P.C. between both the parties over the land in question.

It is a well settled proposition of law that the issue with regard to the title or possession cannot be resolved by seeking remedy under the discretionary jurisdiction under Article 226 of the Constitution of India, since it requires leading of evidence, which cannot be gone into while exercising the writ jurisdiction. Such issue of disputed question of fact can only be resolved through a proper suit.

In the circumstances, the petitioner is permitted to approach the appropriate forum for redressal of his grievance.

So far as providing security to the life and property of the petitioner is concerned, it is apt to say that if the petitioner submits an application before the District Magistrate and



Superintendent of Police, Bhagalpur, then they will look into the matter and will take the needful action in accordance with law, if so required, within a reasonable time frame.

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

(Dinesh Kumar Singh, J)

Amrendra/-

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