

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15738 of 2018

1. Dr. Ramji Sinha, Son of Late H.B. Sinha, Resident of Janki Bhawan, Near Allahabad Bank, Bailey Road, Patna- 800001, P.S.- Kotwali, District- Patna represented through the power of attorney holder namely Raj Kumar Sinha, Son of Late Trishuldhari Sinha, Resident of Village- Bangali Tola, Post- Buxar, P.S.- Town Buxar, District- Buxar.
2. Smt. Kumkum Sinha, Daughter of Late H.B. Sinha, Wife of Dr. Anil Kumar Sinha, Resident of Janki Bhawan, Near Allahabad Bank, Bailey Road, Patna- 800001, P.S.- Kotwali, District- Patna, Presently residing at Flat No. 100 W, Mainalini Apartment, South Office Para, Ranchi- 834002 represented through the power of attorney holder namely Raj Kumar Sinha, Son of Late Trishuldhari Sinha, Resident of Village- Bangali Tola, Post- Buxar, P.S.- Town Buxar, District- Buxar.
3. Smt. Rupam Sinha, Daughter of Late H.B. Sinha, Wife of Sri Prashant Sinha, Resident of Janki Bhawan, Near Allahabad Bank, Bailey Road, Patna- 800001, Presently residing at A/23, Vindhyachal Apartment, Near Boring Road Chouraha, P.S.- Budha Colony, District- Patna. represented through the power of attorney holder namely Raj Kumar Sinha, Son of Late Trishuldhari Sinha, Resident of Village- Bangali Tola, Post- Buxar, P.S.- Town Buxar, District- Buxar.
4. Ravi Srivastava, Son of Jagdish Prasad Srivastava, Resident of Parsuram Sadan, Opposite Tara Mandal, Bailey Road, P.S.- Kotwali, District- Patna, Represented through Kamal Verma, Wife of Ravi Kant Verma, Resident of Village+P.O.+P.S.- Bihia, District- Bhojpur, Currently residing of Raghunath Kunj, Buddha Colony, P.S.- Buddha Colony, Patna, District- Patna.
5. Raj Srivastava, Son of Jagdish Prasad Srivastava, Resident of Parsuram Sadan, Opposite Tara Mandal, Bailey Road, P.S.- Kotwali, District- Patna, Represented through Kamal Verma, Wife of Ravi Kant Verma, Resident of Village+P.O.- Bihia, District- Bhojpur, Currently residing of Raghunath Kunj, Buddha Colony, P.S.- Buddha Colony, Patna, District- Patna.
6. Manoj Kumar, Son of Late Bhupendra Nath Sinha, (Husband of Malti Sinha), Malti Niwas, Nageshwar Colony, Justice Narayan Path Boring Road, P.S.- Buddha Colony, Patna, Patna.
7. Pandey Radha Krishna Sahay, Son of Late Gopal Krishna Sahay, Sector- C, Pocket 2, Flat No.2228, P.S.- Basant Kunj, New Delhi, Pin- 110070.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-cum-District Collector, Bhojpur at Ara, District- Bhojpur (Ara).
2. The Superintendent of Police, Bhojpur at Ara, District- Bhojpur (Ara).
3. The Sub Divisional Magistrate, Jagdishpur, P.S.- Jagdishpur, Bhojpur at Ara, District- Bhojpur (Ara).
4. The D.C.L.R., Bihia, Jagdishpur, Bhojpur at Ara, District- Bhojpur (Ara).



5. The Officer-in-Charge, Bihia, P.S.- Bihia, District- Bhojpur at Ara.
6. The Circle Officer, Bihia, P.S.- Bihia, Bhojpur at Ara, District- Bhojpur (Ara).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
For the Respondent/s : Mr. Raj Kishore Roy- Gp18

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-12-2018 Heard both sides.

The petitioners seek following reliefs:

“I. That the present writ application is being filed in the nature of *Mandamus* for the direction to the District Magistrate, Bhojpur (Ara) and Superintendent of Police, Bhojpur (Ara) to protect the property of the petitioners from illegal encroachment and peaceful possession of the land situated in Mauja -Bihia, Thana No. -147, Khata No-375, Plot No- 2065, 2067, 2076, area – 15 acre and 15½ decimals existing in the name of petitioner no-1, Mauja-Bihia, Thana No. -147, Khata No-375, Plot No-2069, Area- 45 decimals each existing in the name of petitioner no-2 and petitioner no-3, Mauja -Bihia, Thana No. -147, Khata No-375, Plot No-2038,2040, 2058, 896 Area- 36 ¼ decimals and Area-12 acre and 55.734 decimals existing in the name of mother of petitioner no-4 and 5 and petitioner no-5 respectively, Mauja – Bihia, Thana No. -147, Khata No-375, Plot No-2038, 2040, 896, Area- 11 acre and



19.7/8 decimal existing in the name of Malti Sinha (mother of petitioner no-6), Mauja -Bihia, Thana No. -147, Khata No-375, Plot No-2038, 2040, 2041, 2042, 896, Area-10 acre- 13 ½ decimals existing in the name of Pandey Gopal Krishna Sahay (father of petitioner no-7) (herein after referred as “land” for the sake of brevity); on the ground that the land belongs to the petitioners who are having the right, title and possession of the land, no un-authorize or illegal encroachment or illegal interference is permissible to interfere in the peaceful possession of the petitioners;

II. And for the issuance of any other relief or relief(s) for which the petitioner is entitled to in the facts and circumstances of the present case.”

From bare perusal of the statements made in the writ petition, it appears that the petitioners have some apprehension of being dispossessed but no statement is made that anybody has interfered into the peaceful possession of the petitioners. If any person tries to interfere into the peaceful possession of the petitioners, there is a procedure in the Code of Criminal Procedure as well as in the Civil Procedure Code for protection of rights. This Court cannot issue sweeping direction to people at large not to interfere in the peaceful possession of the



petitioners under Article 226 of the Constitution of India. If the petitioners have any grievance against dispossession of their land, they may present the appropriate representation before the competent authority who shall dispose of the same in accordance with law.

With this observation, the writ petition is disposed of.

(Prabhat Kumar Jha, J)

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