

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1193 of 2016

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Suresh Koiri Son of late Ram Suchit Koiri resident of Village-
Chanda P.S. Dumraon, P.O.- Purana Bhojpur, Dist.- Buxar.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Buxar.
3. The Police Superintendent, Dist.- Buxar.
4. The Sub-Divisional Officer, Dumraon, Dist- Buxar.
5. The Officer-in-Charge, Dumraon Police Station Dist.-
Buxar.
6. Pappu Rai son of Late Sheshnath Rai.
7. Dhanji Rai son of Late Sheshnath Rai.
8. Manji Rai, son of Late Sheshnath Rai.
9. Vijay Rai son of Late Sheshnath Rai.
10. Akhilesh Kumar @ Chandan Kumar Son of late Raj
Bhushan Rai
11. Onkar Rai Son of Late Shekhar Rai All resident of
Village & P.O. Chilari, P.S.- Dumrao, Dist- Buxar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate
For the State : Mr. M.N.H Khan, S.C.1
For the Resp. 6 to 10 : Mr. Surendra Kr. Singh, Advocate
Ms. Sudha Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8. 30-08-2018

Heard learned counsel for the parties.

The petitioner has moved this court seeking
following reliefs: -

“(i) For issuance of an appropriate writ/writs/order/
orders/direction/directions commanding the
respondents No. 3 to 5 to give proper security to the
petitioner and his family members with regard to the
land situated in village – Chanda bearing Khata No. 1
Dist – Buxar Area 3 Acre 86 decimals over which the
petitioner and his ancestor have been coming in
physical possession.

(ii) For issuance of an appropriate writ/writs/order/
orders/direction/directions commanding the
respondent no. 3 to 5 to protect the life and properties



of the petitioner and his family members from the respondent no. 6 to 11 and their henchmen who are threatening to disturb in harvesting the paddy crops grown and dispossess the petitioner and his family members from the land in question.

(iii) For issuance of an appropriate writ/writs/order/orders/direction/directions commanding the respondents No. 3 to 5 to protect the life and give all sorts of security from illegal dispossession from the property of the petitioner situated at village-Chanda by the respondent no. 6 to 11.

(iv) For issuance of any appropriate writ/writs/order/orders/direction/directions to which the petitioner is entitled in accordance with law.”

In course of argument, learned counsel for the petitioner has taken this court through various documents placed on the record to contend that in fact the ancestors of the petitioner were coming in possession of a piece of land which was the subject matter of dispute in Title Suit No. 58/1973 (later registered as Title Suit No. 67/1976). Even though the ancestors of the private respondents got a decree in their favour and title and rights were declared in favour of the plaintiffs with respect to the land, the fact remains that they never came in possession over the land because no proceeding for delivery of possession was ever initiated in terms of the decree of the suit dated 30.10.1976. It is submitted and despite being the position the private respondents are creating disturbance with respect to possession of the petitioner over the land in question and it is for this reason earlier the father of the petitioner had been compelled to move this court and this court had directed



him to file a representation before the Superintendent of Police, Buxar with direction to the Superintendent of Police to consider the representation and do the needful, if so required. It is now submitted that the father of the petitioner has died and after about 13 years from the date of previous order of this court once again the petitioner has been compelled to move this court seeking protection to his life and property.

On the other hand, learned counsel representing the private respondents has taken this court through Annexure-2 which is the decree of the learned Sub-Judge passed in the said title suit. Learned counsel has further taken this court through the appellate order and then the orders passed by the various other authorities to show that in fact the possession of the private respondents have been pleaded and approved by the various authorities and it has been held in favour of the private respondents, virtually in the garb of the present writ application the petitioner is trying to agitate purely civil dispute which has already come to an end by virtue of the several orders passed by the competent authorities in respect of the land in dispute.

Having heard learned counsel for the parties and on perusal of the records, this court finds that it is in fact a dispute with respect to a piece of land in respect of which the petitioner has moved this court seeking a direction to the respondent Nos. 2 to 5 to protect the life and property of the



petitioner. This court is of the considered opinion that the entire subject matter of the case relate to a piece of land and the rights of the party over the said piece of land and while claiming a right and possession over the said piece of land the petitioner is seeking protection in the garb of prayers made in the writ application. In the nature of the case and the facts brought to the notice of this court, this court is not finding any reason to exercise its extraordinary writ jurisdiction to issue a direction as prayed for in the writ application.

This writ application is therefore dismissed.

(Rajeev Ranjan Prasad, J)

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