

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16941 of 2017

=====

Mir. Mohammad Islam, S/o Late Mir Chhedi, R/o Village- Umar Mathiya,
P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The DGP Patna.
3. The DIG Saran, Chapra.
4. The Commissioner, Chapra.
5. The Collector, Gopalganj.
6. The Superintendent of Police, Gopalganj.
7. The SHO Manjhagarh, District- Gopalganj.
8. Makshud Sai,
9. Mahmudan Sai,
10. Matloob Sai,
11. Mahaboob Sai,
12. Ayub Sai, All S/o Late Pir Mohammad Sai, All R/o Village- Dhankhar,
PO+PS- Manjhagarh, District- Gopalganj.
13. Shivanath Dhanuk, S/o Late Indrason Dhanuk,
14. Babulal Dhanuk, S/o Sita Mahato,
15. Rajbali Dhanuk,
16. Shiobali Dhanuk,
17. Rajdeo Dhanak,
18. Baldeo Dhanak,
19. Munni Dhanak, All S/o Sita Dhanuk, All R/o Vill- Dulduliya PO+PS-
Manjhagarh, District- Gopalganj.
20. Bishwa Nath Dhanak, S/o Late Indrason Dhanak, R/o Village- Pipra Tola,
Dulduliya, PO+PS- Manjhagarh, District- Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Chandra Kant
For the Respondent/s : Mr. Md.Nadeem Seraj -GP5

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-12-2018 Heard the learned counsel for the petitioner and the

learned counsel for the State.

The petitioner has filed this writ petition for a direction

to the respondents to give proper protection to the petitioner for

enjoying his land of Khata No. 113, plot No. 6, area 2 bigha 3



katha 11 dhur and to restrain the private respondents No. 8 to 20 from interfering into peaceful possession of the petitioner.

The learned counsel for the petitioner submits that Title Suit No. 18 of 1984 was filed and ancestors of respondent No. 8 to 20 admitted the title of the petitioner over the disputed land. The suit was decreed on compromise but since private respondents are members of left organization they are putting hindrance in smooth enjoyment of the property of the petitioner. It is further submitted that private respondents filed Land Dispossession Case No. 8/16-17 claiming that land of Khata No. 113 was settled in favour of their ancestors by Bhoodan Yagaya Committee but the DCLR dismissed the petition of the private respondents on 05.07.2017 holding that the record of rights is created in the name of ancestor of the petitioners. The Executive Magistrate also found the possession of the petitioner over the land but private respondents on one pretext or the other lay claim over the land of the petitioner and the State respondents are not providing protection to the petitioner for enjoyment of his property according to his own way. It is further submitted that petitioner has got constitutional right under Article 300A of the Constitution of India to enjoy his property and if anybody is putting hindrance in the enjoyment of the petitioner the District Magistrate and Superintendent of Police



of the district are constitutionally bound to provide protection to the petitioner and pass order for smooth enjoyment of property of the petitioner.

From the facts of the case, it appears that title of the petitioner has been decided by the competent civil court in a suit for declaration of title, being Title Suit No. 18 of 1984, but the private respondents are illegally making claim over the land of petitioner. The private respondents also filed petition against their alleged dispossession but the DCLR dismissed the petition.

Considering the facts aforesaid, I direct the District Magistrate, Gopalganj to consider the petition of the petitioner pending before him to provide suitable protection to the petitioner to save his life and property and dispose of the petition of the petitioner within three months from the date of receipt/ production of a copy of this order.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

BKS/-

U			
---	--	--	--

