

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.768 of 2018

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1. Mohd. Muslim son of Haji Nabi Mohammed
2. Bibi Nayab Parwin @ Lado Begum @ Nayab Parveen, wife of Mohd. Muslim Both Resident of Mohalla- Chowk Bazar, P.S.- Siwan Town, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Home Police Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The D.I.G. Saran Range, Chapra.
4. The Superintendent of Police, Siwan.
5. The Sub Divisional Officer, Siwan.
6. The S.H.O., Siwan Muffasil Police Station, Siwan.
7. The Circle Officer, Siwan Sadar Circle, District- Siwan.
8. Mohd. Shahid
9. Mohd. Jamil
10. Mohd. Ahid
11. Mohd. Kalim
12. Mohd. Nasim
13. Mohd. Bashim All are Sons of Late Mumtaj Ahmed
14. Hena Parwin Wife of Haji Gulam Shahed
15. Hema Parwin, Wife of S.M. Alamgir, Both are Daughters of Late Mumtaj Ahmed All of the above named respondent no.- 8-16 are Resident of Telhatta Bazar, P.S.- Siwan Town, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Shalini, Adv.
Mr. Ranjeet Kumar, Advocate.
Mr. Dilip Kumar, Advocate.
For the Respondent Nos.1 to 7 : Mr. Sumar Kumar Jha, AC to AAG3
For the Respondent Nos.8 to 15: Mr. Amir Alam, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-11-2018 Heard learned counsel for the petitioners and learned
counsel representing the State.

This writ application has been preferred seeking a
direction to the respondent-authorities to grant security to the



petitioners on payment of adequate cost. The petitioners have complained this Court that despite there being a judicial order dated 16.10.2017 passed in First Appeal No. 58 of 2012 directing that the appellants of the said appeal shall not interfere into the possession of the respondents (the petitioners herein) and they shall not made the interference into the construction, if any, going on, on the disputed lands, the present private-respondents who are appellants in the First Appeal are creating hindrance, they are making interference and that has created a situation where the petitioners cannot go on the land without adequate security.

Learned counsel for the State is present and submits that the respondent-authorities have been approached by the petitioners and they would abide by the orders which may be passed by this Court.

For the present, the private-respondents are not appearing before this Court despite service of notice upon them. Even in the First Appeal, they have not put their appearance when the order dated 16.10.2017 was passed. The operative part of the order dated 16.10.2017 reads as under:-

“Since no one has appeared on behalf of the appellants to controvert the aforesaid submissions and admittedly, the plaintiffs-appellants have lost their suit before the court below, I think it proper to allow I.A. No. 2814 of 2016 and, accordingly, I.A. No. 2814 of



2016 is allowed and it is ordered that the appellants shall not interfere into the possession of the respondents and furthermore, they shall not make interfered into the construction work, if any, going on, on the dispute lands.”

In the given facts and circumstances, in the opinion of this Court, the prayer made by the petitioners is of reasonable one and is required to be considered and entertained. This Court would, therefore, direct the Superintendent of Police, Siwan to look into the application of the petitioners which will be filed within a week from today and on receipt of the said application and after giving due consideration of the same, the Superintendent of Police, Siwan shall ensure that if in the order of the Court petitioners are going on the land in question, they should not face any security threat and in case it is found that despite there being order dated 16.10.2017, there are acts of interference by the private-respondents, the Superintendent of Police, Siwan shall take adequate measures to provide safety and security to the petitioners while going on the land.

After the aforesaid order was dictated, learned counsel on behalf of respondent nos. 8 to 15 has appeared and requests this Court to keep the Vakalatnama on behalf of these respondents on record.

Let the Vakalatnama be kept on record.



This writ application stands disposed off,
accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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