

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.199 of 2019

Arising Out of PS. Case No.-1165 Year-2008 Thana- GAYA COMPLAINT CASE District-
Patna

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Dr. Prakash Kumar, son of Late Nand Kishore Singh, Resident of Alok Niketan, Anandpuri, Boring Canal Road, P.S.-S.K.Puri, Town and Distt.-Patna
... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Department of Home (Police), Bihar, Patna
4. Rajdeo Singh, son of Late Ram Chandra Singh, resident of Muhalla-Tilha, Mahavir Asthan Road, near Rajendra Ashram, P.S.-Civil Lines, Town and Distt.-Gaya, presently by profession Land Broker
5. Satyendra Kumar Singh, son of Sri Ram Jatan Singh, resident of Mohalla-New Area, Nutan Nagar, P.S.-Civil Lines, Town and Distt.-Gaya, presently by profession Land Broker and Business.
6. Ram Briksh Yadav, son of Late Ragho Yadav, resident of Village-Bodh Gaya, Tola Baiju Bigha, P.S-Bodh Gaya, Distt.-Gaya
7. Santosh Kumar Yadav, son of Ram Briksh Yadav, resident of Village-Bodh Gaya, Tola Baiju Bigha, P.S-Bodh Gaya, Distt.-Gaya.
8. Ajay Kumar , son of Ram Briksh Yadav, resident of Village-Bodh Gaya, Tola Baiju Bigha, P.S-Bodh Gaya, Distt.-Gaya.
9. Shambhu Yadav, son of Munshi Yadav, resident of Village-Gohti, Tola Puran Bigha, P.S-Bodh Gaya, Distt.-Gaya.
10. Ram Prasad Yadav, son of Late Mohan Yadav, resident of Village-Bodh Gaya, Tola Baiju Bigha, P.S-Bodh Gaya, Distt.-Gaya.
11. Siya Ram Yadav, son of Ram Prasad Yadav, resident of Village-Bodh Gaya, Tola Baiju Bigha, P.S-Bodh Gaya, Distt.-Gaya.
12. Vijay Kumar Yadav, son of Ram Prasad Yadav, resident of Village-Bodh Gaya, Tola Baiju Bigha, P.S-Bodh Gaya, Distt.-Gaya.
13. Ravindra Kumar Pandey, son of unknown, Resident of Town Gaya, Deed Writer in Gaya Registry Office, License No.165/02, P.S-Civil Lines, Town and Distt.-Gaya
14. Ajit Kumar Sinha, son of Late Ram Lakhan Lal, Resident of Professor Colony, P.S-Rampur, Town and Distt.-Gaya.
15. Ramakant Pandey, son of Rajeshwar Pandey, resident of Village-Bodh Gaya, Tola Upadhaya Bigha, P.S-Bodh Gaya, Distt.-Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date : 31-01-2019

This writ petition has been filed by the petitioner



for directing the private respondent nos.4 to 15 to refund the amount of Rs.32 lacs and odd with admissible interest to the petitioner.

2. It is submitted by the learned counsel for the petitioner that the petitioner is a qualified MBBS doctor of Patna. Respondent nos. 4 to 15 entered into a deal with the petitioner. They assured him to transfer a piece of plot for which the petitioner paid Rs.32 lacs in advance. Subsequently, the petitioner came to know that the piece of plot for which the agreement was entered into was declared green belt land in the master plan of Bodh Gaya. The transfer of land falling in green belt zone is prohibited. Hence, the petitioner demanded back his money, but the accused persons refused to return the amount. Hence, the petitioner is left with no option but to approach this Court for the money claim.

3. *Per contra*, learned counsel appearing for the State submitted that the application filed by the petitioner before this Court is nothing but an abuse of the process of the Court. A pure and simple money claim for which the petitioner ought to have filed a suit, a writ petition has been filed, which is not maintainable.

4. I have heard learned counsel for the parties.



5. I find substance in the submission of the learned counsel for the State.

6. The grievance of the petitioner is that he has been cheated to the tune of Rs. 32 lacs by the private respondent nos. 4 to 15 on the pretext of executing sale deed of a plot, which could not have been transferred. The dispute is purely private, which can be adjudicated in a suit and not a writ under Article 226 of the Constitution of India. No case for issuance of any direction is made out.

7. The writ petition is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2019
Transmission Date	07.02.2019

