

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.246 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

=====

Banshi Pandit, son of Late Mukund Pandit, resident of Mohalla-Sipara, Police Station-Beur, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary Home, Patna, Bihar
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Sadar, Patna.
4. Mahesh Nandan Yadav, son of Late Kishori Nandan Yadav
5. Upendra Singh Yadav, son of Late Kishori Nandan Yadav

Respondent nos. 4 and 5 are resident of Mohalla-Sipara, Police Station-Beur, District-Patna.

... .. Respondents

=====

Appearance :

For the Petitioner	:	Pramod Ban Bihari Singh, Advocate
For the Respondents-State:	:	Mr. Manish Kumar, GP-4

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 09-07-2019

This application has been filed by the petitioner under Article 226 of the Constitution of India for directing the respondents to restrain the private respondents no. 4 and 5, who are trying to encroach upon the land/house of the petitioner situated under Mauja-Sipara, Thana No. 27, Khesra No.277.

2. Several disputed questions of right, title and possession have been raised in the present application, which cannot be adjudicated in a writ proceeding. The petitioner has a remedy under the civil law before the court of competent jurisdiction. Instead of invoking the statutory remedy, the



petitioner has filed the instant application Court under the extraordinary jurisdiction of this Court.

3. Regard being had to the facts and circumstances, I am not inclined to entertain this application under Article 226 of the Constitution of India.

4. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2019
Transmission Date	NA

