

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4719 of 2018

=====

Bimal Kumar Jha S/o Sri Krishna Kumar Jha, resident of Village-
Bhawanipur, P.S.- Sakari, District- Madhubani, presently residing at Rental
Flat No. 261, Lohia Nagar, Kankarbagh, Patna- 20.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Home,
Bihar, Patna
2. The Bihar Human Rights Commission, 9, Bailey Road, Patna, through the
Principal Secretary, Department of Home, Bihar, Patna
3. The Principal Secretary, Department of Home, Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Superintendent of Police, District- Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Bimal Kumar Jha
For the Respondent/s : Mr.Sheo Shankar Prasad -Sc8

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 09-07-2019

The present writ petition has been filed for quashing the order dated 14.9.2017 passed by the learned Bihar Human Rights Commission, Patna (hereinafter referred to as the “Commission”) in Case No. 1786 of 2016 whereby and whereunder the Hon’ble Commission has been pleased to close the case without applying its mind.

2. The petitioner, appearing in person, at the outset, upon being asked by this Court as to how his human rights are being violated, as stated in his representation dated 17.8.2015, submitted to the Director General of Police, Bihar, Patna (page



no. 83 of the writ petition), in absence of the complaint filed before the learned Commission, by the petitioner being on record, the petitioner could neither give any satisfactory reply nor could convince this Court. A bare perusal of the aforesaid petition dated 17.8.2015 would show that there is a dispute with regard to the management of temple of Lord Shiva at village Bhawanipur, known as “Shri 108 Baba Ugranath (UGNA) Mahadev Mandir as well as there is an inter se dispute between the said Dr. Jha and the other villagers vis a vis the family of the petitioner herein. It has been also alleged in the said representation that the father of the petitioner was threatened by villagers not to prosecute the cases against Dr. Jha and some of the villagers and uneducated and uncultured women of the neighbourhood of the petitioner’s residence also organized a social boycott of the family of the petitioner herein. It also transpires from the petition that various litigations including criminal cases etc. are pending. The petitioner has also alleged in his representation that the villagers are harassing him and his family members and the Gram Panchayat has got mortar casted on the private way leading to the aangan of the petitioner herein without caring for his problem which results in accumulation of water in the aangan of the petitioner during rainy season. The



petitioner has also referred to incidences pertaining to screaming and quarreling in between the father of the petitioner and the villagers on account of land dispute. Lastly, it has been stated that because of the terror of the villagers and the social boycott of the family of the petitioner, the petitioner and his family members has been suffering.

3. I have heard the petitioner, who has appeared in person, and perused the materials on record from which it is apparent that the petitioner is trying to give a colour of human rights violation to his personal disputes, which is apparent from the report of the Superintendent of Police, Madhubani dated 14.9.2012 (page no. 76 of the writ petition) wherein it has been stated that the petitioner and his family members have old land dispute with one Uma Nath Jha and Ashwani Jha and other litigations are also pending amongst them. It has also been stated in the said report that upon inquiry and confidential investigation, the allegations levelled by the petitioner has been found to be incorrect. In fact, the Officer-in-Charge, P.S.-Sakari in his letter dated 24.10.2014 written to the petitioner herein (page no. 80 of the writ petition) has stated that a land dispute case is going on in the Court in between the father of the petitioner, namely, Krishna Kumar Jha and the co-villager,



namely, Ashwani Jha. It has also been stated that no complaint whatsoever has ever been filed by the petitioner in the said police station with regard to any harassment or quarrel or scream or attack upon the petitioner or on his family members. The Officer-in-Charge has also stated that no application has been filed, either by the petitioner or his father with regard to the aangan in question, before any court of law. Finally, the Officer-in-Charge police Station has stated that the entire case is pertaining to land dispute and with regard to the same, an order dated 23.6.2014 has been issued by the DSLR, Madhubani. On similar lines, the Superintendent of Police, Madhubani has also submitted his report dated 19.12.2015 (page no. 89 of the writ petition) before the Inspector General of Police, Darbhanga Division, Darbhanga and it has been further stated that upon inquiry from the villagers, it has transpired that nobody has outcasted, either the petitioner or his family members and none of the villagers have terrorized them but, nonetheless it has been stated in the said report that keeping in view of security of the petitioner and his family members, the Officer-in-Charge, Sakara has been directed to keep special vigil during the course of patrolling, apart from issuance of directions to the local chaukidar Sadar. The Sub-Divisional Police Officer, Madhubani



by his report dated 31.5.2016 (page no. 97 of the writ petition), has also informed the Superintendent of Police, Madhubani that the allegation levelled by the petitioner are false and the parents of the petitioner are living in the village and there is complete peace. Another report of the Sub Divisional Police Officer, Sadar Madhubani dated 1.2.2017 (page no. 100 to the writ petition), submitted to the Superintendent of Police, Madhubani also shows that there is no merit in the allegations levelled by the petitioner.

4. This Court is of the view that in view of the reports submitted by the various authorities, as aforesaid, finding that though there may be some land dispute in between the petitioner and his family members and their co-villagers but neither there is any threat to the petitioner or his parents nor any untoward incident has ever taken place nor the petitioner has taken recourse to filing of any complaint either before the concerned police station or before the concerned trial court, the Hon'ble Commission has rightly closed the case filed by the petitioner herein by an order dated 14.9.2017.

5. Before parting, this Court finds that the "Human Rights" as defined under Section 2(d) of the Protection of Human Rights Act, 1993, has not been violated in the case of the petitioner



herein or his family members, as is apparent from the materials on record and the petitioner is trying to project his personal grudge against his co-villagers, as also dispute pertaining to his land, as violation of his human rights, which is legally not sustainable. If at all, the petitioner was aggrieved by any acts of its co-villagers or in case his right, title and possession to his landed property was being interfered with, he was / is free to approach a competent court of civil / criminal jurisdiction for redressal of his grievances, which he has failed to do so till date.

6. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find any reason to entertain the present writ petition, accordingly, the same stands dismissed, however, without any order as to costs.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	3.10.2019
Transmission Date	NA

