

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16630 of 2016

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Raj Kumar Sahu Son of Late Baleshwar Sah resident of village - Bairampur,
Police Station Biraul, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms, Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga
3. The Collector, Darbhanga
4. The Senior Superintendent of Police, Darbhanga
5. The Sub - Divisional Officer, Biraul, Darbhanga
6. The Land Reforms Deputy Collector, Biraul, Darbhanga
7. The Officer - in - Charge, Biraul Police Station, Darbhanga
8. The Circle officer, Biraul, Darbhanga
9. Ramchandra Roy, Son of Late Gaya Prasad Roy
10. Pradeep Kumar Roy, Son of Ramchandra Roy
11. Ram Karan Roy, Son of Gaya Prasad Roy
12. Bipin Kumar Roy, Son of Ram Karan Roy
Respondents No. 9 to 12 are resident of village - Jagannathpur, Police Station
Biraul, District - Darbhanga
13. Suresh Sahni, Son of Late Ayodhi Sahni, resident of village - Bairampur,
Police Station Biraul, District - Darbhanga
14. Sattan Sahni, Son of Late Mahendra Sahni
15. Mohan Sahni, Son of Late Munshi Sahni
Respondents No. 14 and 15 are resident of village - Bairampur, Police
Station Biraul, District - Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Girish Chandra Jha, Advocate
For the State	:	Mr. Mukul Prasad, A.C. to G.P. 18
For the Respondents No. :		Mr. Brisketu Sharan Pandey, Advocate
11, 12 and 14		Ms. Aprajita, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 10-12-2019

Heard learned counsel for the parties.



2. The present writ application has been filed seeking direction commanding the respondents to protect his life and landed property as well as the family from the hands of the private respondents who are said to have encroached the petitioner's land, despite orders passed by the competent authority. It is being asserted that the private respondents are threatening the petitioner variously.

3. Learned counsel representing the private respondents No. 11, 12 and 14 has submitted that a title suit No. 118 of 2010 has been filed by the said respondents which is pending before the Sub Judge, Benipur, in respect of the 'land-dispute', which is being raised in the present writ application. He has submitted that this writ application is not maintainable considering the nature of dispute, between the petitioner and respondents, of being private in nature touching their respective title over a piece of land.

4. Considering the facts and circumstances of the case and the nature of dispute, I find force in submission made on behalf of the contesting respondents that the disputed questions of fact of this nature relating to title over immovable property, cannot ordinarily be gone into by this Court in a proceeding under Article 226 of the Constitution of India.



5. This writ application is, accordingly, disposed of with an observation that the petitioner shall have liberty to take appropriate steps in accordance with law and contest the suit which is said to be pending.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	13/12/2019
Transmission Date	N.A.

