

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.451 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District-

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Bajrangi Kumar, Son of Shri Shiv Ji Prasad, Resident of Village - Motichapar,
Ward No. 4, P.S.-Mairwa, Distt.-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The Director General of Police, Protection (Special Branch), Gov. of Bihar,
Patna.
 3. The Senior Superintendent of Police, Siwan.
 4. The S.H.O., Police Station Mairwa, Siwan.
 5. The District Collector, Siwan Bihar
- Respondents 1st set
6. Smt. Prabhawati Devi, W/o Gyanchand Sah R/o Vill- Lakadhi Dargah, P.S.-
Badhhariya, Distt.-Siwan.
 7. Smt. Kalawati Devi, W/o Chote Lal Sah, R/o Village + P.O. + P.S.-
Salempur, Distt.-Devariya, State-Uttar Pradesh.
 8. Balmiki Prasad, Son of Raghu Nath Prasad, R/o Village-Salempur, P.S.-
Salempur, Distt.-Dewariya, State-Uttar Pradesh.

... .. Private Respondents 2nd set

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate
For the Respondent/s : Md. Nadim Seraj, GP-5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 28-02-2019

In the instant writ petition, the petitioner has prayed for a direction to the respondents to provide protection and security to the life of the petitioner and his family members and for recovery of possession of his shop measuring 17' x 7' situated on the land at Siwan bearing Khata No.449, Khesra No.535 in Thana No.84 near Mairwa Railway Station in the district of Siwan.



2. The contention of the petitioner is that he was forcibly dispossessed by the private respondent nos. 6, 7 and 8 in January, 2019, who are very powerful persons and he has threat to his life as also the life of his family members at their hands.

3. On the other hand, learned counsel for the State submitted that a purely private dispute relating to property has been raised in the instant writ petition. The petitioner has adequate alternative remedy for the redressal of his grievance. As far as the issue of police protection is concerned, the same should be raised first before the respondent authorities.

4. Having heard learned counsel for the parties, I am of the view that in case the petitioner has been forcibly dispossessed from his property, he has equally efficacious remedy under the Specific Relief Act, 1963 for the redressal of his grievances.

5. Section 6 of the aforesaid Act provides that if any person is dispossessed without his consent of immovable property otherwise than in due course of law, he or any person claiming through him may, by suit, recover possession thereof, notwithstanding any other title that may be set up in such suit.

6. The object of the Section 6 of the aforesaid Act is to discourage people from taking law into their own hands.



7. In view of equally efficacious statutory remedy being available to the petitioner for the redressal of his grievance for recovery of possession of the shop in question is provided under Section 6 of the Specific Relief Act, I am not inclined to entertain this application under extraordinary writ jurisdiction. As far as the issue of threat upon life of the petitioner and his family members is concerned, it is difficult for this Court to make any assessment in this regard. The threat perception has to be assessed by the respondent authorities first.

8. In that view of the matter, the petitioner shall be at liberty to make representation before the Superintendent of Police, Siwan for the police protection.

9. With the aforesaid observations, the writ petition is disposed of.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.03.2019
Transmission Date	NA

