

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.640 of 2019

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

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1. Prasun Kumar Chaudhary, S/o Lt. Hari Prasad Choudhary, Resident of Mohalla-Professor Colony, P.S.-K.Hat, District-Purnea, Permanent Address- Professor Colony, House No-662/6 Ward No-10, Godda, Jharkhand
 2. Roshan Ara, D/o Late Usman Ali, Resident of Ali lane Sarai, Bhagalpur, P.S.-Kotwali, District-Bhagalpur.
 3. Irfan Alam, S/o Late Wali Alam, Resident of Asiyana Colony, Madhopara, P.S.-K.Hat, District-Purnea.

... .. Petitioners

Versus

1. State of Bihar through Director General of Police-cum-Inspector General of Police, Bihar, Patna.
2. The Senior Superintendent of Police, Purnea.
3. The District Collector, Purnea.
4. The Circle Officer, K.Nagar, District-Purnea.
5. Mahesh Singh, S/o Parmanand Singh, Resident of Korathbari, P.S.-K. Hat, District-Purnea.
6. Birendra Singh, S/o Late Raghunandan Pd. Singh, Resident of College Chowk, P.S.-K.Hat, District-Purnea
7. Kumar Arbindam @ Shukul, S/o Bachcha Singh, Resident of Durgabani, Near Krishana Mandir, P.S.-K.Hat, Distt.-Purnea.

... .. Respondents

Appearance :

For the Petitioner/s : Dr. Shashi Shekhar Kishore, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 23-04-2019

In the instant writ petition, the petitioners have prayed
for the following reliefs:-



(I) Issuance of a direction/order or writ including writ in the nature of mandamus commanding the respondents to restrain the private respondents from taking forceful possession over the land, try to erect cottage over the land and are creating nuisance for the purpose of breach of peace pertaining to Khata No.188, Thana No. 125, Khesra No.2739.

(II) Issuance of direction/order or writ including writ in the nature of writ of mandamus commanding the official respondents to take an appropriate action against the respondents who are disturbing petitioner as land in question is in peaceful possession of the petitioner on the basis of executed by Mukhtarnama.

(III) Issuance of a direction/order/writ or an appropriate writ to which the petitioners may be found entitled to in the facts and circumstances of the case.

2. At the outset, it is conceded by the learned counsel for the petitioners that question of right, title and possession is involved in the present case.

3. Since disputed questions of right, title and possession are involved in the present case for which the petitioner has an equally efficacious statutory remedy under the civil law, I am not inclined to entertain this application in extraordinary writ jurisdiction.



4. The writ petition is dismissed with liberty to the petitioners to avail of the statutory remedy available in law for the redressal of his grievance.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2019
Transmission Date	NA

