

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5368 of 2019

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Shyam Narayan Singh Son of Shivjee Singh Resident of Village- Bhanpur,
P.S. Dinara, District- Rohtas (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Government of Bihar, Patna.
2. The District Magistrate Rohtas.
3. The Sub Divisional Officer Bikramganj, District- Rohtas.
4. The Circle Officer Dinara, Rohtas.
5. Birendra Singh @ Ravi Ranjan Singh Yadav Son of Paltan Singh Resident of Village- Tenuath, P.O.- Vishwambharpur, P.S.- Dinara, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey
For the Respondent/s : Mr.Raj Kishore Roy (GP-18)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-03-2019 The petitioner is seeking direction to the respondents for initiating appropriate proceeding against respondent No.5, as according to him, he is disturbing the petitioner's peace and tranquility by taking law in his hand and attempting to take forcible possession over the land, which belongs to the petitioner, appertaining to Khata No.9, Plot No.6, admeasuring 2 katha of Mauza- Hasari Dihra in the District of Rohtas. The said land, according to the petitioner, was purchased by his father in the year 1988, whereafter, he came in peaceful possession. It is his case that the petitioner's father is bed ridden since 2007 after paralytic attack and in the last week of



July, 2018, when the petitioner visited the site, he found bricks and other construction materials lying over the said piece of land.

It is also asserted that on objection having been raised, the respondent no.5 abused and assaulted the petitioner. No heed was given by the Police when approached by the petitioner and no case was registered. It has also been stated that a proceeding was initiated under Section 144 of the Code of Criminal Procedure for which a report was called for. The report of the Assistant Sub-Inspector of Police in that connection has been brought on record by way of Annexure-2 in which the apparent dispute in respect of title over the land in question has been incorporated. Referring to the said report, learned counsel appearing on behalf of the petitioner has submitted that whereas the same relates to Khata No.9, Plot No.6, respondent No.5 is claiming his title over the disputed land and is relying on a mutation order in respect of different plot of land bearing Khata No. 107/09.

In my view, the dispute between the petitioner and respondent No.5 apparently concerns respective title of the parties which cannot be adjudicated in a proceeding under Article 226 of the Constitution of India. It has also been stated



in paragraph 17 that a Title Suit No. 233 of 2018 is pending in the Civil Court at Bikramganj. In such view of the matter, this writ petition under Article 226 of the Constitution of India cannot be entertained and it is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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