

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15232 of 2019

Most. Dharmshila Devi W/o Late Dharnath Ram, Resident of Village-Parwejabad Nahar (Chandbari), P.O. Sonpur, P.S. Sonepur, Dist.-Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The District Magistrate, Saran at Chapra
3. The Superintendent of Police, Saran at Chapra
4. The Dy. S.P. Sonepur, Saran at Chapra
5. The S.H.O. Sonepur Police Station, Dist.-Saran
6. Shankar Kumar S/o Sri Jaynarayan Rai Resident of Village-Bhunik Tola, Dudhaila Krishi Farm, Sonepur, P.S. Sonepur, Dist.-Saran
7. Ram Darshan Singh S/o of not known petitioner Resident of Village-Vishambharpur, Sirisiya, P.S. Barahara, Dist.-Bhojpur, Presently resident of Dudhaila Sonepur, P.S. Sonepur, Dist.-Saran
8. Bijay Singh S/o Pukar Singh Resident of Village-Parejabad Dudhaila, P.S. Sonepur, Dist.-Saran at Chapra
9. Lagan Singh S/o Late Rudal Singh Resident of Village-Dudhaila Gandhi, P.S. Sonepur, Dist.-Saran at Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uday Shankar Singh
For the Respondent/s	:	Mr. Manish Kumar (GP-4)
		Mr. Ajay Kumar, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-07-2019 Though this writ application has been listed under the heading “For Orders (on office notes)”, pointing out certain defects, considering the nature of relief, which the petitioner is seeking, the same is being disposed of by the present order, ignoring the defects.

Following is the relief, which the petitioner is



seeking:-

“That this is an application for issuing an appropriate writ, order or direction to the respondents to protect the life and property of the petitioner and restrain/forbid the private respondents to disturb the physical possession of the petitioner over the land bearing Khata No.7 Area 06 Khata 12 dhoors under thana no. 95 mauza-Parawejabad circle Sonepur, district Saran.”

According to the petitioner, she owns a piece of land bearing Khata No. 46, Plot No.07 under Mauza Pravejabad, in the district of Saran, admeasuring 06 Katha and 12 dhoor, which she came to have acquired on the basis of a Will executed by her father, which has subsequently been probated. It is her case that despite the Will having been probated, private respondents are causing obstruction in peaceful possession over her land and the State respondents are also not looking into her grievance.

In my view, the dispute of such nature cannot be gone into in a proceeding under Article 226 of the Constitution of India, at this stage.

The petitioner has statutory remedy either under the provisions of the Bihar Land Disputes Resolution Act, 2009 or



under Bihar Right to Public Grievance Redressal Act, 2015, if there is any dispute over the petitioner's title in respect of the land in question.

This writ application is, thus, disposed of with a liberty to the petitioner to approach the appropriate forum, seeking the relief, which she is seeking in the present writ application.

(Chakradhari Sharan Singh, J)

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