

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1126 of 2019

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

Umesh Prasad Son of Late Nathun Saw Resident of Village- Bihari Road
More, Cinema More Chauraha P.S. Hilsa, P.O. Hilsa, District- Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar Through D.G.P. Bihar, Patna Bihar
2. Home commissioner Bailey Road, Patna Old Secretariat Patna Bihar
3. District Magistrate, Nalanda. Bihar
4. Commissioner, Patna Division, Patna. Bihar
5. The Superintendent of Police, Nalanda. Bihar
6. Deputy Superintendent of Police, Hilsa Bihar
7. Officer Incharge, Hilsa Nalanda Bihar
8. Umesh Rajak father name not given Resident of Mohalla- Main Road, P.O. Hilsa, P.S.- Hilsa, District- Nalanda.
9. Sunil Rajak Son of Late Manik Chand Raja Resident of Mohalla- Main Road, P.O. Hilsa, P.S.- Hilsa, District- Nalanda.
10. Anil Rajak Son of Late Manik Chand Rajak Resident of Village Mushari, P.S. Ekangarsarai, District- Nalanda. A/present residing at Mohalla cinema More, Hilsa Main Road, P.S. and P.O.- Hilsa, District- Nalanda.
11. Arvind Rajak Son in Law of Manik Chand Rajak Resident of Mohalla- Patel Nagar, Near S.U. College Hilsa, P.O. and P.S.- Hilsa, District- Nalanda.
12. Ramashish Yadav @ Netajee Son of Hukumchand Yadav Resident of Village- Kharjana, P.S.- Hilsa, District- Nalanda. A/P Mohalla beside Hilsa Block, P.O. and P.S.- Hilsa, Nalanda.
13. Nagina Yadav Son of Feku Das Resident of Tekka Bigha, P.S. Hilsa, District- Nalanda. A/P residing at Yogipur More, P.O. and P.S.- Hilsa, District- Nalanda.
14. Arvind Kumar @ Gorelal Yadav Son of Not known Resident of Tekka Bigha, P.S. Hilsa, District- Nalanda. A/P residing at Yogipur More, P.O. and P.S.- Hilsa, District- Nalanda.
15. Mandal Yadav Son of Jeevlal Das Resident of Village MalBigha, P.S.- Hilsa, District- Nalanda. A/P residing at Mohalla Telia Durga Asthan, Hilsa, P.O. and P.S.- Hilsa, District- Nalanda.
16. Rajnish Yadav Son of Mandal Yadav Resident of Village MalBigha, P.S.- Hilsa, District- Nalanda. A/P residing at Mohalla Telia Durga Asthan, Hilsa, P.O. and P.S.- Hilsa, District- Nalanda.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Binoy Kumar Sinha 1
For the Respondent/s	:	Mr. Md. Nadim Seraj



CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 29-07-2019 In the instant application preferred under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a direction to the official respondents to ensure recovery of possession of the petitioner over the land of plot nos. 1533 and 1532, khata no.562 situated at village Hilsa, Bihar near cinema hall chauraha.

The contention of the learned counsel for the petitioner is that the respondent nos. 8 to 16 captured the aforesaid land forcefully from the petitioner, who is handicapped, in the year 1999 and since then they are in possession over the land. He contended that since the petitioner has got right and title over the property and has been illegally dispossessed, this Court should direct the official respondents to take appropriate legal action against the private respondents and ensure that possession over the land in question is given back to him.

On the other hand, learned counsel appearing for the State submitted that several disputed facts have been pleaded in the writ petition. He contended that the issues relating to right, title and possession are involved in the present case. They cannot be decided by this Court in an extraordinary jurisdiction



under Article 226 of the Constitution of India.

I find substance in the submission of the learned counsel for the State. The application filed by the petitioner is totally misconceived. Admittedly, the petitioner is not in possession over the land in question since 1999. The issue of right, title and possession cannot be adjudicated in exercise of jurisdiction under Article 226 of the Constitution of India.

The application is dismissed with liberty to the petitioner to seek remedy under common civil law.

(Ashwani Kumar Singh, J)

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