

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14053 of 2019**

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Md. Quaisar Azad S/o Md. Kasim a resident of Mohalla- Bari Karbala,  
Stadium Road, P.S. Town, District- Muzaffarpur, 842001.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Bihar, Patna.
2. The Sub- Divisional Officer, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. Senior Superintendent of Police, Muzaffarpur.
5. Circle Officer, East, Muzaffarpur.
6. Md. Isha @ Phoolbabu resident of Muhala- Badi Karbala, P.S. Town East, District- Muzaffarpur.

... .. Respondents

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**Appearance :**

For the Petitioner/s : Ms. Shilpi Keshri

For the Respondent/s : Mr. Md.Harun Quareshi, AC to SC-1

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      19-07-2019                      The petitioner is seeking direction to the respondents to remove the illegal possession over the petitioner's property, situate in Muzaffarpur, appertaining to Khata No.2, Khesra No.333, area 15 dhur.

It is alleged that the private respondent No.4 has illegally and forcibly occupied the property and locked the shops situate over the land of the petitioner. In the first place, the writ Court, under Article 226 of the Constitution of India, is not required to go into the disputes between the private parties over possession in respect of an immovable property.

The petitioner is said to have approached the Public



Grievance Redressal Officer by making an application, giving rise to Case No.514110120101600587. The competent authority under the Act has passed an order on 02.01.2017 from which, it appears that a proceeding has been initiated under Section 107 of the Cr.P.C. The Circle Officer, Mushahari, is said to have submitted a report that the dispute between the parties can be adjudicated upon by a competent Court of civil jurisdiction.

Learned counsel appearing on behalf of the petitioner has submitted that the authorities should be directed to restrain the respondent No. 6 from interfering with the petitioner's right over the property in question. Respondent No. 6 and the petitioner have common ancestor.

In the background of the nature of dispute, as could be easily seen from the order of the Public Grievance Redressal Officer, this Court, in exercise of power under Article 226 of the Constitution of India, cannot issue any direction.

This application is, however, disposed of with a liberty to the petitioner to approach the competent Court of civil jurisdiction or any other forum as may be available to him.

**(Chakradhari Sharan Singh, J)**

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