

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1155 of 2019

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

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A. B. M. Sindhu (Andrew Baba Mal Sindhu), Son of Late Brigadier Baba Mal Sindhu (B.M. Sindhu), Resident of Village- Bhairoganj, P.S.- Chandan (Anandpur O.P.), Anchal- Chandan, District- Banka.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Land Reforms, Government of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The Inspector General of Police, Bhagalpur Range, Bhagalpur
5. The Deputy Inspector General of Police, Bhagalpur
6. The District Magistrate, Banka
7. The Additional Collector, Banka
8. The Superintendent of Police, Banka
9. The Sub - Divisional Police Officer, Banka
10. The Deputy Collector Land Reforms, Banka
11. The Circle Officer, Chandan Anchal, District- Banka
12. The Station House Officer, Chandan Police Station, District- Banka
13. Debu Kisku, Son of Late Hari Manjhi, Resident of Village- Warnes, Tola- Handiyakura, P.S.- Chandan, District- Banka
14. Sanni Tuddu, Son of Dewan Tuddu, Resident of Village- Warnes, Tola- Handiyakura, P.S.- Chandan, District- Banka
15. Lakhan Basuki, Son of Late Thakur Baski, Resident of Village- Warnes, Tola- Handiyakura, P.S.- Chandan, District- Banka
16. Talu Kisku, Son of Mangla Kisku, Resident of Village- Warnes, Tola- Handiyakura, P.S.- Chandan, District- Banka
17. Chhote Chaude, Son of Late Chunnu Chaude, Resident of Village- Warnes, Tola- Handiyakura, P.S.- Chandan, District- Banka
18. Raju Marandi, Son of Late Badhu Marandi, Resident of Village- Warnes, Tola- Handiyakura, P.S.- Chandan, District- Banka
19. Mangla Baski, Son of Late Budhua Baski, Resident of Village- Garbhudih, P.S.- Chandan, District- Banka.

... .. Respondents



Appearance :

For the Petitioner : Md. Nurul Hoda, Advocate

For the Respondents-State: Ms. Divya Verma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 13-08-2019

This application has been filed by the petitioner under Articles 226 and 227 of the Constitution of India for directing the respondent authorities to provide adequate security to the petitioner from the private respondents and the other members of their group enabling the petitioner and his family members for safe cultivation of his 23 acres and 13 decimal land situated in village-Barne Tola Handiakura, P.S.-Chandan, District-Banka.

2. Learned counsel for the petitioner submitted that the petitioner is in peaceful possession of the land mentioned above. However, he apprehends threat to his life at the hands of private respondents whenever he goes on his land for cultivation.

3. Learned counsel appearing for the State submitted that threat perception has to be assessed by the District Level Security Committee. The petitioner has never ever approached the District Level Security Committee for police protection. She submitted that as far as the question of ensuring cultivation over a particular piece of land is concerned, the same is beyond the



jurisdiction of the police authorities. In respect of possession of land or any obstruction being caused by private respondents in cultivation over the land, the petitioner has a remedy under common civil law. She further contended that the application in its present form is not maintainable.

4. I have heard learned counsel for the parties.

5. I find substance in the submission of the learned counsel for the State.

6. In case, the petitioner apprehends threat to his life at the hands of the private respondents, he should approach the District Level Security Committee for providing police protection as threat perception can be assessed by committee constituted for the said purpose. As far as cultivation over the land is concerned, the petitioner may invoke jurisdiction of the competent court under the common civil law, as the same would involve several disputed questions of fact, which can not be adjudicated in exercise of extraordinary writ jurisdiction.

7. In view of the equally efficacious statutory remedies being available to the petitioner for redressal of his grievances, I am not inclined to entertain this application under Article 226 of the Constitution of India.



8. Accordingly, the application is disposed of in the
light of the observations made above.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2019
Transmission Date	NA

