

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2641 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Lallan Singh, Son of Raghunath Singh, Resident of Village- Tenduni, Police
Station- Bikramganj, Distt.-Rohtas

... .. Petitioners

Versus

1. The State of Bihar through the Director General of Police, Bihar.
2. The Superintendent of Police, Rohtas at Sasaram
3. The Sub-Divisional Officer, Rohtas
4. The Circle Officer, Bikramganj, Rohtas
5. The S.H.O. Bikramganj, Rohtas
6. Babban Singh Son of Late Mahadeo Singh
7. Ajit, Son of Late Babban Singh
8. Sujit, Son of Late Babban Singh
9. Shobhnath Singh, Son of Late Babban Singh
10. Vinay Singh, Son of Mahendra Singh
11. Vikash Singh, Son of Mahendra Singh
12. Bhaiya Ram Singh, Son of Late Jagdeo Singh
13. Lalit Singh, Son of Bhaiya Ram Singh
14. Sunil Singh, Son of Bhaiya Ram Singh
15. Anil Singh Son of Bhaiya Ram Singh
16. Mahinder Singh Son of Late Guput Nath Singh, All Resident of Village-
Jarlahi Mathia Mani, Police Station Bikramganj, Distt.-Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Senior Advocate
		Mr. Ravi Bhatia, Advocate
For the Respondent/s	:	Mr. Apurva Kumar, AC to GA- 4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 14-03-2019

This writ petition has been filed by the petitioner
for directing the respondents to provide adequate security and
protection in regard to the land owned and possessed by the
petitioner having exclusive right, title and interest over the same



as also for directing the respondents to consider the representation filed by the petitioner with regard to impending threat to the land of the petitioner at the hands of the private respondents so that he may enjoy his right to the said property.

2. Mr. J.S. Arora, learned senior advocate appearing for the petitioner submitted that in the year 1985, the nephew of the father of the wife of the petitioner filed title suit No. 38 of 1985 against one Champakali Devi and Lakhminia Devi. In the said suit, the father of the petitioner accepted the execution of the deed of gift and the said suit was decreed in favour of the wife of the petitioner vide judgment dated 11.10.1991. Against the said judgment dated 11.10.1991, Title Appeal No.3 of 1992 was filed. During pendency of the said appeal, the father and uncle of the petitioners died and mother of the petitioner's wife namely, Budhia Kunwar was impleaded as party in the year 1997, who also relied the execution of the deed of gift by her husband and brother-in-law as well as possession of the petitioner's wife over the land in question. She also entered into a compromise with the petitioner's wife and in terms of the said compromise, the said appeal was disposed of vide judgment and decree dated 20.07.1999. The said Champakali Devi and Lakhminia Devi also got instituted Title



Suit No.84 of 2000 against wife of the petitioner with regard to the said land, which was dismissed. Against the same, an appeal is pending. He submitted that though there has been no dispute between the petitioner and the private respondents, who are co-villagers of the petitioner's wife, but after death of father and uncle of the petitioner, the private respondents are forcibly trying to grab the land in question as a result of which, several proceedings under Section 107 and 144 of the Code of Criminal Procedure have been initiated in which paddy crops, which were forcibly harvested from the land of the petitioner was seized and was subsequently released in favour of the petitioner. The private respondents were even proceeded against section 188 of the Code of Criminal Procedure for violation of the order passed under Section 144 of the Code of Criminal Procedure. Though, on previous occasion, the police protection in regard to the land of the petitioner was also provided, in recent past the private respondents are threatening vigorously to dispossess the petitioner from his land. He contended that in this regard several representations were filed before the Superintendent of Police, Rohtas at Sasaram, but no action is being taken.

3. Countering the submission made by the learned senior advocate appearing for the petitioner, learned counsel for



the State submitted that there is land dispute between the petitioner and the private respondents. In past, on the petition of the petitioner, Bikramganj P.S. Case Nos. 60 of 2000, 228 of 2000 and 105 of 2001 have been instituted against the private respondents and in those cases upon completion of investigation, charge-sheets have also been submitted. Presently, on some of the portion of the disputed land, paddy crops have been sowed and both the parties are claiming their ownership upon it. Considering the apprehension of breach of peace between the parties, Non-FIR No.7 of 2018 dated 23.10.2018 for initiation of proceeding under Section 144 of the Code of Criminal Procedure and non-FIR No.96 of 2018 for initiation of a proceeding under section 107 of the Code of Criminal Procedure have been submitted to avoid breach of peace. He contended that as the matter relates to land dispute, the police have taken precautionary measures to avoid breach of peace between the parties.

4. Having heard learned counsel for the parties, I do not think any necessity to issue notice to the private respondents.

5. Since the issue primarily relates to provide security to the petitioner as also to consider the representations



filed by him earlier, the writ petition is disposed of with a direction to the petitioner to file a fresh representation highlighting the impending threat to the petitioner at the hands of private respondents within four weeks from today. In case, such a representation is filed, the Superintendent of Police, Rohtas at Sasaram shall be required to assess the threat perception and do the needful in accordance with law.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2019
Transmission Date	16.03.2019

