

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.114 of 2019

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

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Ranjana Singh wife of sri Ramji Singh Resident of Village- Mahamadpur
P.S.- PhulwariSharif, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Home Commissioner, Bihar
2. The District Magistrate, Katihar
3. Deputy Magistrate and Land Reforms Development Department, Katihar
4. The Circle officer, Katihar Anchal, Katihar
5. Sub-Divisional Officer, Katihar
6. Amin and Registrar of Registry Office, Katihar
7. Superintendent of Police, Katihar
8. Gramin Superintendent of Police, Katihar
9. Deputy Superintendent of Police, Katihar
10. Officer Incharge Katihar Police Station, Katihar
11. Anamika Devi wife of Uday Shankar Singh, Resident of Village-Madhepura,
P.O., P.S. and District - Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binoy Kumar Sinha, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 22-01-2019

Heard learned counsel for the petitioner and
learned counsel for the State.

2. In the instant writ petition the petitioner has prayed
for issuance of a direction to the respondents to evict respondent



no.11, namely, Anamika Devi wife of Uday Shankar Singh from the house situated at Plot No. 317 and 334 of Khata No. 59, Thana No. 99, Tauzi No.1238 and Mauza- Madhepura, P.S. Katihar, District- Katihar.

3. Learned counsel for the petitioner submitted that respondent no.11 had sold the said plot to the petitioner on 10.08.2011 by executing a registered deed. However, she is forcefully occupying the house since last five years. He submitted that all the valid documents of the house of the plot is in the name of the petitioner, but the respondent no.11 is not evicting the premises in spite of several requests made by the petitioner.

4. On the other hand, learned counsel appearing for the State submitted that the writ petition is totally misconceived. The dispute between the parties is purely civil in nature for which a remedy would lie before the civil court of competent jurisdiction. He contended that a writ petition would not be maintainable in case of dispute between the two private parties.

5. Having heard learned counsel for the parties, I find substance in the submissions of the learned counsel for the State. A suit and not a writ petition under Article 226 of the Constitution of India is the remedy for declaration of right, title



and possession over a plot.

6. In that view of the matter, I am not inclined to entertain this writ petition. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

AFR/NAFR	NAFR
CAV DATE	NA
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