

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.220 of 2020

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

Ram Kumar Mishra, S/O Late Braj Kumar Mishra, R/O Village - Kanjarua,
P.S.- Koraian Sarai, District - Buxar, at Present Resides at R.P.S. More,
Danapur District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through Secretary Home Department Govt. Of Bihar, Patna
2. The Director General of Police, Bihar Patna
3. The District Magistrate, Buxar.
4. The Superintendent of Police, Buxar.
5. The Sub Divisional Magistrate, Buxar.
6. The Circle Officer, Buxar.
7. The SHO cum Officer Incharge Buxar Town, Buxar.
8. Ashwani Kumar Mishra S/O Late Braj Kumar Mishra R/O Village - Khanjarua, P.S.- Koraian Sarai, District - Buxar, At Present residing Maharaja Hata, Ward No. 14, P.S.- Buxar Town, District- Buxar.
9. Methilesh Kumar Mishra S/O Late Braj Kumar Mishra R/O Village - Khanjarua, P.S.- Koraian Sarai, District - Buxar, At Present residing Maharaja Hata, Ward No. 14, P.S.- Buxar Town, District- Buxar.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Mohit Shriwastava, Advocate Mr. Yogesh Kumar, Advocate
For the Respondent/s	:	Mr.Harun Quareshi, A.C.to S.C.-01

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-02-2020 Heard learned counsel for the petitioner and the

State.

The petitioner has moved this Court seeking the
following relief:-

“i) For commanding the authorities to removing
the illegally constructed wall and unlock the
entrance of the petitioner by the respondent no.



9 in front of the house of the petitioner situated at House no. 252 “KA” at Mharaja Hata, Buaxr.
ii) For commanding the authorities to protect the legal right of person to renter in his own house from high handiness of respondent no. 0.
iii) For direction to the authorities to give proper protection to the petitioner from police so that he could enter and live in his house peacefully and with dignity.
iv) For any other relief/reliefs for which petitioner may be deemed entitled too.”

From the narration of facts in the writ application it appears that the petitioner is claiming his right, title and possession over the land by virtue of a partition which is said to have taken place during the life time of his father. The whole case as framed shows that the petitioner is in fact seeking a kind of declaration of his rights relating to land and is claiming that the private respondents are threatening him to dispossess from the land with the help of criminals. The petitioner apprehends threat to his life.

Learned counsel for the State has submitted before this Court that the disputes relating to property, if any, may not be gone into the Court under Article 226 of the Constitution of India.

This Court agrees with such submission. The Court would thus not go into any of the issues with respect to the property in question and leave it open for the petitioner to seek his remedy if so advised in accordance with law.



In case the petitioner has any threat to his life for any reason, he may submit an appropriate request in the office of Superintendent of Police, Buxar (respondent no. 4) who will look into the same and on assessment of the threat perception to the petitioner, he will decide on taking appropriate measures if required to protect the life of the petitioner.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

vats/-

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