

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.33 of 2017

Arising Out of PS. Case No.-95 Year-2016 Thana- NAYA RAM NAGAR District- Munger

Mahesh Kumar, Son of Late Meeta Ram Yadav, Resident of Village - Janki Nagar, P.S. - Naya Ramnagar, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Government of Bihar, Patna
2. The District Magistrate, Munger.
3. The Sub Divisional Magistrate, Sadar, Munger.
4. The Superintendent of Police, Munger.
5. The Dy. Superintendent of Police, Munger.
6. The S.H.O. Naya Ramnagar Police Station, District - Munger.
7. The I.O. of Naya Ramnagar P.S. Case No. 95/16, Police Station - Naya Ramnagar, District - Munger.
8. The Circle Officer, Sadar, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha, Advocate
For the Respondent/s : Mr. Md. Nashrul Hoda Khan SC1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-01-2020

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

The petitioner has sought for a writ of mandamus directing the State and State-authorities, who are respondents herein, to unlock the five shops which were illegally locked by the accused persons of Naya Ramnagar P.S. Case No. 95 of 2016.

Petitioner claims that he had purchased Plot No. 1476 under Khata No. 184, Area 45 Decimals along with bamboo clamp and a house in a dilapidated condition through registered sale deed dated



05.11.1986 from one Hirdu Mal. Thereafter, the petitioner made a construction thereon including the referred five shops. Mutation of the name of the petitioners in respect of the aforesaid land was challenged by one Nardi Yadav in Mutation Appeal No. 11/87-88 before the D.C.L.R., Munger and appeal was dismissed and the dismissal was confirmed by the next appellate court. Thereafter, Nardi Yadav and his brother Fuleshwar Yadav and Nageshwar Yadav started disturbing the possession of the petitioner over the said land which led to a proceeding under Section 145 Cr.P.C. vide Case No. 902M of 1987 before the S.D.O., Munger. The S.D.O., Munger passed order in favour of the petitioner. The accused persons, of Naya Ramnagar P.S. Case No. 95 of 2016, are either son of Late Nardi Yadav or associates of the son of Late Nardi Yadav.

Apparently, the matter appears to be a disputed question of fact between two private individuals, hence, the writ court cannot interfere in the matter.

Accordingly, this application stands dismissed with liberty to the petitioner to pursue the available legal remedy.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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