

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.647 of 2022

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Prem Kumar Jha S/o Ram Chandra Jha, Resident of Mohalla - Panhans, Ward No. 26, P.O. - Suhridnagar, P.S. - Nagar (Begusarai) Lohiyanagar O.P., District - Begusarai, PIN - 851218.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Home Department, Government of Bihar, Patna.
2. The Superintendent of Police, Begusarai.
3. The Collector, of Begusarai.
4. The Sub-Divisional Officer, Begusarai.
5. The Circle Officer, Begusarai.
6. The Officer - in - Charge of Police Station, O.P. Lohiyanagar (Begusarai).
7. Prashant Kumar @ Mandole, S/o Late Shashi Bhushan Singh, R/o Village - Tunhi, P.S. - Gradhpura, District - Begusarai.
8. Chandra Bhushan Singh, S/o Late Sajjan Singh, R/o Village - Tunhi, P.S. - Gradhpura, District - Begusarai.
9. Rishi Kumar, S/o Mahesh Thakur, R/o Mohalla - Power House Road, P.S. - Nagar, District - Begusarai.
10. Basant Kumar @ Sumant Kumar, S/o Ram Uday Singh, R/o Mohalla - Khamhar, P.S. - Nagar, District - Begusarai.
11. Rajan Singh, S/o Tarni Singh, Village - Tunhi, P.S. - Gradhpura, District - Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Jha, Adv.
For the Respondent/s : Mr.Md. Nadim Seraj (Gp5)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 31-03-2022

Heard the parties.

The case is being taken up from defect side.

Learned counsel for the petitioner is directed to submit the original petition along with



attested affidavits and also remove all the defects pointed out by the Registry within two weeks from today.

The petitioner by way of this writ petition has prayed as under:-

“ 1. (i) For issuance of an appropriate writ order/direction in the nature of “Mandamus” directing and commanding the concerned official respondents authority (R2 to 5) for needful action to protect the law and order in the area of land in question and also protect the petitioner’s building construction on the land in question which has been purchased by the petitioner in 2013. And also protect from the private respondents from illegally and forcefully captured the land in question of petitioner.

(ii) For issuance of an appropriate writ order of direction in the nature of ‘mandamus’ directing and



commanding the concern official respondents to do needful legal action against the private respondent no. 7 to 11 on account his wrongful action to capture the land of petitioner.

(iii) For any other relief or relief to which the petitioner found entitled to may kindly be allowed to the petitioner.”

It is his contention that the land in question belongs to him and the respondents have taken forceful possession from him and are making construction on the said land.

It is his submission that the S.D.O., Begusarai has also initiated one proceeding under Section 144 Cr.P.C., which were violated by the respondents. Thereafter, the S.D.O. also initiated proceeding under Section 107 Cr.PC. as there is no other alternate efficacious remedy, he has approached this Court now.

I have considered the submission, the writ petition and the contents thereof would show that



it is initially a complaint as against the respondents no. 7 to 11. He has neither approached the concerned competent Court for initiating process against the concerned persons nor he has filed any civil suit. Questions relating to forceful possession on a property is pure question of fact which cannot be determined in writ jurisdiction.

The writ petition is wholly mis-conceived and is accordingly dismissed, leaving it open to the petitioner to avail remedy under the law.

(Sanjeev Prakash Sharma, J)

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