

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.713 of 2017

Arising Out of PS. Case No.-180 Year-2014 Thana- SIWAN MUFFASIL District- Siwan

1. Sakil Ahmad
2. Jafir Ahmad
Both sons of Sagir Ahmad Residents of mohalla - Kagji Mohalla, P.S. Siwan, District Siwan.

... .. Petitioners

Versus

1. The State of Bihar
2. The Collector, Siwan.
3. The Inspector General of Police, Saran Range, Chapra.
4. The Deputy Inspector General of Police, Saran Range, Chapra.
5. The Superintendent of Police, Siwan.
6. The Sadar Superintendent of Police-cum-Sub-Divisional Police Officer, Siwan.
7. The Additional Superintendent of Police, Siwan.
8. The Inspector of Police, Muffasil Police Station-in-Charge, Siwan.
9. The Sub-Inspector of Police Town P.S. Siwan, District Siwan.
10. The Officer In-Charge, Police Station Mahadeva Out Post, Siwan.
11. Sabir Ali
12. Jakir Ali
13. Abid Ali
14. Munna Mian
All sons of Ali Hussain Resident of Mohalla - Orama Siwan, P.S. Siwan, District Siwan.
15. Munna Singh son of Jagdish Prasad Resident of Salempur Mahadeva Siwan, P.S. Siwan, District Siwan.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary, Advocate
For the Respondent/s : Mr. Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 02-11-2022 Prayer in this writ application is to direct the respondent nos. 1 to 10 to take suitable action against respondent nos. 11 to 15 and to protect the life, liberty and property of the petitioners.



Since the respondent nos. 11 to 15 are not before this Court, this Court would not go into the merit of the case and no adverse order may be passed at this stage against them.

The dispute seems to be over certain properties and such disputes cannot be adjudicated in criminal proceeding. Liberty is there to the petitioner to seek his remedy in respect of the property dispute before appropriate court.

The grievance of the petitioner is that respondent nos. 11 to 15 are not abiding by law and in various ways, they are threatening and harassing the petitioner. The petitioners, it is alleged, are trying to build their house on a piece of land which belong to them but the respondent nos. 11 to 15 are not allowing the petitioner to raise construction on that piece of land. It is stated that respondent no. 11 is having at least six criminal antecedents as stated in paragraph '9' of the writ application.

A counter affidavit has been filed in this case on behalf of respondent no. 5. It is stated therein that police had earlier recommended for initiation of a proceeding under Section 144 Cr.P.C. and Section 107 Cr.P.C.

Mr. Iqbal Asif Niazi, learned AC to GP-5 submits that in this case, the petitioner had obtained an ex-parte judgment in a title suit against which the respondents have filed a misc. case no. 41 of 2018 before the learned Sub-judge IVth, Siwan for setting



aside of the said ex-parte judgment, therefore, the matter is sub-judice in the learned court below.

Learned counsel for the petitioner accepts this position.

Having regard to the facts and circumstances stated hereinabove, this Court is of the considered opinion that at this stage, this Court cannot pass any order which is likely to affect the interest of respondent nos. 11 to 15 who are not before this Court.

So far as the prayer for protecting the life, liberty and property of the petitioners are concerned, they are at liberty to make a detail representation to the Superintendent of Police, Siwan (Respondent No. 5) who will look into the same and shall after examining the threat perception of the petitioners take a proper decision thereon.

This Court would, however, direct the learned sub-judge IV, Siwan to expedite the hearing of the Misc. Case No. 41 of 2018 and all endeavours be made to conclude the same within a period of six months from the date of communication of this order.

Let a copy of this order be communicated to sub-judge IV, Siwan.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

