

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1936 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District- Patna

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Lallan Prasad Singh S/o Late Mohabat Singh, R/o Village- Kisanpur, P.S.-
Bikram, District- Rohtas, Presently Residing at Saidpur Kurji. Kothiya, P.O.-
Sadakat Ashram, P.S.- Digha, District- Patna.

... .. Petitioner

Versus

1. The State Of Bihar
2. Director General Zone, Bihar , Patna.
3. D.I.G. Patna Zone, Bihar, Patna.
4. Senior Superintendent of Police, Patna, Bihar.
5. Superintendent of Police, Sadar, Patna, Bihar.
6. Dy. Superintendent of Police, Patna Sadar, Patna, Bihar.
7. Officer In Charge, Digha Police Station, Patna, Bihar.
8. The Sub Divisional Officer, Patna Sadar, Patna.
9. Indradeo Rai, S/o Late Dwarka Rai,
10. Bindeshwari Prasad, S/o Dwarka Rai,
11. Tej Narayan S/o Munshi Rai,
12. Shashi Rai S/o Hari Kishun Rai, All R/o at Saidpur Kurji, Kothiya, P.O.-
Sadakat Ashram, P.S.- Digha, District- Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan, Advocate
For the Respondent/s : Mr.Kumar Shanu, AC to AG

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-11-2022 Heard leaned counsel for the petitioner and Mr.

Kumar Shanu, learned AC to AG for the State.

Petitioner in the present writ application is seeking

the following reliefs:-

“ i) To issue an appropriate writ/order/
direction to the respondent 1st set to provide
adequate security and safety to the petitioner in



getting the boundary wall of his land done, appertaining to Khata No. 1477, Plot no. 5165, 5167 measuring an area of 30 decimal situated under the Digha Police Station.

ii) To issue an appropriate writ/ order / direction to the respondent 1st set to restrain the respondent no. 2nd set from disturbing the petitioner in construction of the boundary wall of the plot belonging to the petitioner.

iii) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

Learned counsel for the petitioner submits that the petitioner is the owner of a piece of land appertaining to Khata No. 1477, Plot no. 5165, 5167 measuring an area of 30 decimal situated under the Digha Police Station in the district of Patna. It is stated that the petitioner purchased this land in the year 1978 from one Kailash Rai.

Learned counsel for the petitioner submits that when the petitioner started raising boundary wall on the land and he had completed only one portion thereof, the respondent 2nd set raised a dispute. It is stated that at one stage after purchase of the land by the petitioner in the year 1978, the Jamabandi of the said land was canceled by the then Circle Officer, Patna Sadar in the year 1979. The matter was contested before the Deputy



Collector Land Reforms (DCLR) and the Commissioner. Finally, this petitioner moved this Court in C.W.J.C. No. 5995 of 1994 against the order of the DCLR and the Commissioner. The writ application was allowed vide order dated 18.11.1994 and the order of cancellation of Jamabandi and other orders passed by the various authorities were quashed. Learned counsel for the petitioner, therefore, submits that the petitioner has valid right, title and possession over the land in question but because of the Respondent 2nd set who are anti-social elements and have nefarious design to extort money from the petitioner are not allowing the petitioner to enjoy this piece of land.

Learned counsel has further pointed out that earlier 145 Cr.P.C. proceeding was also initiated, in the said proceeding, father of the petitioner was arrayed as an opposite party but the proceeding was decided in favour of the father of the petitioner vide order dated 28.07.1999.

Learned counsel for the petitioner submits that an attempt made by the Respondent 2nd set to create a clog over the right of the petitioner by filing an application before the Circle Officer also failed vide Annexure '9' to the writ application. The grievance is that despite all these evidences, in the hand of the petitioner showing his exclusive right, title and possession over



the land, he is not being allowed to raise construction on the said piece of land.

Learned counsel for the State submits that this writ application was filed in the year 2017. In his opinion, in case the given situation still exists, the petitioner may file a representation before the competent authority, in this case before the Circle Officer, Patna Sadar who will look into the records and in case it is found that the 145 Cr.P.C. proceeding order and other orders have gone in favour of the petitioner and there is no other order of any competent civil court or the authority restraining the petitioner from raising construction over the land and/ or to maintain status quo, the Circle Officer may take an appropriate decision including requisitioning of adequate police force to provide security to the petitioner at the time of construction of the boundary wall.

In the given facts and circumstances of the case, this writ application is being disposed of granting liberty to the petitioner to file an appropriate application before the Circle Officer, Patna Sadar who will examine the same and on being satisfied with the documents produced by the petitioner showing his exclusive right, title and possession over the land and that there is no order of restraint by any competent court/ forum/



authority against the petitioner restraining him from going on the land or to maintain status quo, in the opinion of this Court, the Circle Officer shall take appropriate action including requisitioning of the police force to ensure that no law and order problem arises on the spot at the time of construction.

Let it be recorded that the order of this Court shall not be construed as having given any finding with respect to right, title and possession of the petitioner and it all depends upon the materials which will be placed before the Circle Officer, Patna Sadar.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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