

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1614 of 2017

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

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Ravikash Kumar S/O Late Parasnath Choudhary r/o village- Basudeopur
Kajra, P.O.- Kajra and P.S.- Piri Bazar Nearest P.S.- Kajra, District-
Lakhisarai Petitioner

Versus

- 1.State Of Bihar Through Chief Secretary, Bihar
2. The Secretary, Home (Police) Department Bihar Patna.
3. District Magistrate cum Collector, Lakhisarai.
4. Director General of Police Bihar Patna
5. Deputy Inspector general, Munger Range, Munger
6. Superintendent of Police, Lakhisarai
7. Officer-In-charge Kajra Police Station, Lakhisarai
8. Officer-In-charge Piri Bazaar Police Station, Lakhisarai

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Dhirendra Nath Jha, Advocate
For the Respondent/s : Mr.Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-11-2022 Heard Mr. Dhirendra Nath Jha, learned counsel for the

petitioner and Mr. Sanjay Kumar Ghosarvey, learned AC to AAG-3

for the State.

Petitioner in the present case is seeking a direction to the
official respondents to provide protection to his life and property
from the miscreants who, according to the petitioner, are disturbing
him from constructing his house on a piece of land.

On going through the averments made in the writ
application as well as in the counter affidavit, this Court finds that in
the same matter a title suit bearing No. 35 of 2017 is pending for
adjudication before the competent court of Civil Jurisdiction.

The counter affidavit further states that finding that there



is a serious chance of breach of peace and tranquility by the parties over the land dispute, a proceeding under section 107 Cr.P.C. was initiated and the same is said to be pending in the court of learned S.D.M., Lakhisarai.

On the face of the pleadings available on record, this Court finds that in a case of land dispute which is pending adjudication before a competent civil court, the petitioner is looking for help in the matter of construction of his house over the same piece of land. Such directions cannot be issued by this Court sitting under its extraordinary writ jurisdiction. Petitioner may apply for his remedy either in the pending suit or as may be advised to him in appropriate jurisdiction.

While parting with this brief, this Court would notice that the title suit is pending for last more than five years, therefore, the learned Sub-Judge, 1st court, Lakhisarai is expected to take note of the period already spent and shall expedite the process of adjudication.

Let the title suit itself be heard and disposed of within a reasonable period.

This application stands disposed of accordingly.

(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'.

