

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.414 of 2018

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

Indrakant Jha, Son of Late Tripti Narayan Jha, R/o Village- Hirani, P.S.- Kusheshwar
Asthana, District- Darbhanga. ... Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Home Department, Govt. Of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Darbhanga Range, Darbhanga.
4. The Deputy Inspector General of Police, Darbhanga Range Darbhanga.
5. The Senior Superintendent of Police, Darbhanga.
6. The Sub Divisional Police Officer, Biraul, Darbhanga.
7. The officer Incharge, Kusheshwar Asthana Police Station, Darbhanga.
8. Mani Kant Jha,
9. Sudha Kant Jha,
10. Madhu Kant Jha,
11. Vijay Kant Jha, All are sons of Late Dukh Mochan Jha,
12. Vinoda Nand Jha, Son of Late Jai Ballabh Jha,
13. Mohan Dev Jha, Son of Late Raj Ballabh Jha,
14. Rama Kant Jha, Son of Late Kamal Nath Jha.
15. Sanjeev Kumar Jha, son of Shashi Kant Jha, Respondent No. 8 to 15 are resident of Village- Hirani, P.O.- Hirani, P.S.- Kusheshwar Asthana, District- Darbhanga.

... Respondents

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha, Adv.
For the Respondent/s : Mr. Ruchikar Jha, AC to SC-8.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-09-2022

The petitioner in this case is praying for the following

reliefs:-

“(i) For issuance of an appropriate writ/s, order/s, direction/s to the respondent to protect the life and property of the petitioner from the hands of the respondent 2nd set who are creating disturbance in peaceful possession over the piece of land as mentioned in Khata no. 317, Khesra no. 527 admeasuring about 5



½ bigha of land which came in possession of father of the petitioner in 1928 by way of Bandobasti and since thereafter his name was mutated in the Register-II of the Revenue Record;

(ii) For issuance of an appropriate writ/s, order/s, direction/s to the respondents to protect the property of the petitioner from the respondent 2nd set who are hell bent to oust him even though respondent 2nd set have lost two legal battles before the SDO, Biraul, Darbhanga in proceeding u/s 144 of Cr.P.C but due to their might in society they are unfurling the reign of terror.

(iii) To pass such other order/s as your lordships may deem fit and proper in the facts and circumstances of the case.”

On going through the statements made in the writ application, it appears that the petitioner claims to have inherited certain properties from his father who died intestate. It is stated that the two persons namely Rama Kant Choudhary and Rama Nand Choudhary had filed complaints twice before the Sub Divisional Officer, Biraul for initiation of a proceeding under Section 144 of Cr.P.C. for prohibiting the petitioner’s family from using the land. On both the occasions, the said proceeding was dropped. The Sub Divisional Officer, Biraul opined that a civil dispute exists between the parties and any person/party who wants to establish his right, title and interest upon the land, may approach the competent Civil Court.



From the entire materials available on the record, this Court finds that the parties are fighting over a land dispute. In such circumstances, this Court sitting in its criminal writ jurisdiction cannot pass any order with respect to right, title and interest of the parties over the disputed land.

If so advised, they may seek their remedy before the competent court in appropriate jurisdiction in accordance with law.

So far as the question of protection of the life and property of the petitioner is concerned, he may file an appropriate application before the Senior Superintendent of Police, Darbhanga (Respondent No. 5) which will be considered and examined whereupon an appropriate view shall be taken by respondent no. 5.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-
tusharika/-

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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'.

