

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

Criminal Writ Jurisdiction Case No.2777 of 2017

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

=====

Pramod Kumar son of Late Jagarnath Prasad, resident of Village- Kodar
(Koeriya Tola), P.S. Basantpur, District Siwan.

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home,
Government Of Bihar, Patna.
2. The District Magistrate-cum- Collector, Siwan.
3. The Sub- Divisional Magistrate-cum- S.D.O., Maharajganj, District Siwan.
4. The Anchal Adhikari, Bhagwanpur Hatt, District- Siwan.
5. The Superintendent of Police, Siwan.
6. The Sub- Divisional Police Officer, Maharajganj, District- Siwan.
7. The Inspector of Police, Maharajganj, District Siwan.
8. The Sub- Inspector of Police, Maharajganj, District Siwan.
9. The Officer In- Charge, Basantpur, District- Siwan.
10. Hardeo Prasad, son of Late Indrasan Prasad,
11. Motilal Prasad, son of Dinanath Prasad,
12. Sheo Balak Prasad, son of Late Jangi Mahto.
13. Deodhari Prasad, son of Nageshwar Prasad.
14. Bishun Dayal Prasad, son of Nageshwar Prasad. All are resident of Village-
Korar, P.S. Basantpur, District- Siwan.

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr.Kamala Kant Tiwary, Advocate
For the Respondent/s	:	Mr. Saroj Kumar Sharma, AC to AAG-3

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and Mr.
Saroj Kumar Sharma, learned AC to AAG-3 for the State.

It appears that respondent no. 10 to 14 have entered
appearance on their own but no one has appeared on their
behalf.

By filing this writ application, the petitioner is



seeking a direction to respondent nos. 1 to 9 to take suitable and adequate action against respondent nos. 10 to 14. His further prayer is to protect life, liberty and property of the petitioner from the hands of respondents nos. 10 to 14 who according to the petitioner are trying to forcefully grab the land of the petitioner. An order of restraint against private respondent nos. 10 to 14 has also been prayed for.

Learned Counsel for the petitioner submits that in a proceeding under Section 145 Cr.P.C. the possession of the petitioner was declared by the learned Executive Magistrate, Maharajganj, Siwan and the second party who are the private respondents in this writ application were restrained from going on the land.

It is further submitted that despite their being an order of the learned Executive Magistrate, the private respondents have dispossessed the petitioner from the land. An action under Section 188 Cr.P.C has been initiated for alleged violation of the order of the learned Executive Magistrate.

In course of argument, this Court has been informed that the private respondents have filed a title suit being Title Suit No. 58 of 2016 for declaration of their right and title in respect of the land in question and to restrain the first party from



forcefully dispossessing the second party from the land in question. The said title suit is still pending. Learned counsel for the petitioner has informed that another title suit bearing no. 60 of 2016 is also pending.

Learned counsel for the State has opposed this application.

In the given facts and circumstances of the case, this Court finds that where there is a serious dispute between the parties over a piece of land, the reliefs prayed in this writ application cannot be granted.

This writ application is, thus, dismissed leaving it open to the petitioner to seek his remedy in appropriate jurisdiction before competent court of law.

(Rajeev Ranjan Prasad, J)

ishika/-

U			
---	--	--	--

