

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6421 of 2022

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1. Vijay Kumar Singh @ Ragho Prasad Singh Son of Late Baidyanath Singh Resident of Village - Bhadai, P.S.- Hathauri, at present - Village - Matihani, P.S.- Aurai, District - Muzaffarpur.
 2. Shashi Kumar Singh Son of - Vijay Kumar Singh @ Ragho Prasad Singh, Resident of Village - Bhadai, P.S.- Hathauri, at present - Village - Matihani, P.S.- Aurai, District - Muzaffarpur.
 3. Manoj Kumar Singh Son of - Vijay Kumar Singh @ Ragho Prasad Singh, Resident of Village - Bhadai, P.S.- Hathauri, at present - Village - Matihani, P.S.- Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, General Administration Department, Govt. of Bihar.
3. The director General of Police, Old Secretariat, Patna.
4. The S.P., Muzaffarpur.
5. The Collector of District - Muzaffarpur.
6. The Sub-Divisional Magistrate, East Muzaffarpur.
7. The Circle Officer, Aurai.
8. The Officer-in-Charge of Aurai Police Station.
9. Sunil Kumar Singh Son of Late Haricharan Singh, Resident of Village- Matihani, P.S. - Aurai, District- Muzaffarpur.
10. Sudhir Kumar Singh Son of Late Haricharan Singh, Resident of Village- Matihani, P.S. - Aurai, District- Muzaffarpur.
11. Satyam Kumar Son of Sudhir Kumar Singh, Resident of Village- Matihani, P.S. - Aurai, District- Muzaffarpur.
12. Manju Devi Wife of Sudhir Kumar Singh, Resident of Village- Matihani, P.S. - Aurai, District- Muzaffarpur.
13. Rekha Devi Wife of Sunil Kumar Singh, Resident of Village- Matihani, P.S. - Aurai, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Baidyanath Prasad, Advocate
For the Respondent/s : Mr.Manish Kumar (GP 4)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-12-2022

The present writ petition has been filed seeking the



following relief :-

“ (i) For issuance of a writ in the nature of mandamus, commanding the Respondents State Authorities Nos. 1 to 8 for taking actions and giving protection of life and property Respondent Nos, 9 to 13 who in spite of of petitioners against Orders of excited by Respondent Nos. 9 to 13 in State Authorities and bounds compliance thereof in Proceeding under provisions of Code of Criminal Procedure, the Respondent Nos. 9 to 13 are acting and violating their own terms of bounds to keep peace and in spite of several request and presentation, the Respondents No. 1 to 8 are not providing protection to petitioners and respondents have been always trying to dispossess the petitioners from lands which have been decreed in favour of his late wife and decree has been upheld by Apex Court on amongst others the following grounds:-

(i) For that the lands in dispute originally belonged to father of shiv Dulari Devi, who inherited the same after death of her father but respondents filed T.S. No.71 of 1975 for partition of joint family property including lands belonging to father of Shiva Dulari Devi, wife of petitioner and Shiv Dulari Devi also filed T.S. No. 130 of 1974 for



declaration of absolute title over land held by her father after partition among his brothers and also challenged the deed of gift in respect for lands of T.S. No. 130 of 1974 executed by one Most Hirawati Kuer in favour of Respondents. The T.S. No. 71 of 1975 was dismissed and T.S. No. 130 of 1974 was decreed and respondents lost their cases up to Supreme Court of India vide Order dated 24.11.97 in S.S.P. (Civil) No. 21028 of 1997, but respondents started litigating possession in 145 Cr. P.C. proceeding which also last up to Supreme Court of India in S.L.P. (Cr.) No. 7507 of 2016 vide order dated 03.10.2016 but in spite of Orders against them when they started threatening the possession of petitioners the petitioners filed application for providing protection for police and State authorities who started proceeding Under Section 107 Cr. P.C. on 07.07.2017 and proceeding U/s 116(3) Cr. P.C. was 28.02.2018 in which they executed bounds to keep peace on 26.06.2018.

(ii) For that even after executing bounds the respondents are interfering in Peaceful possession over lands of petitioners which resulted in filing representation to protection from Respondent No. 9 to 13 and they are



threatening the petitioners of dire consequences if he will insist to come over lands and they broke the ridge of fields and are amalgamating the lands in to their plots and crops were being ruined by them but respondent authorities are not paying any heed to the said representations.

(iii) For that respondents are duty bound to provide protection of life and property of petitioners and petitioners are entitled to seek protection from State Authority.

(iv) For that non-providing protection by respondents, fundamental right of the petitioners Under Article 21 of the Constitution of India is being infringed.”

After some arguments, the learned counsel for the petitioners seeks to withdraw the present petition, however, seeks liberty on behalf of the petitioners to avail such other alternative remedies, as are otherwise available under the law. Liberty so sought, is granted.

The present writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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