

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.55 of 2021**

Arising Out of PS. Case No.- Year-0 Thana- District- Bhojpur

HEWANTI DEVI @ HEWANTI KUAR Wife of Late Mahendra Ahir
Resident of Village - Nausetand P.O. and P.S. - Bihiya, District - Bhojpur at
Arrah.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar Patna
2. The Director General of Police Bihar, Patna.
3. The D.I.G. Dehari -On -Sone, District - Rohtas.
4. The District Magistrate Cum Collector, Bhojpur, Ara.
5. The Superintendent of Police Bhojpur at Ara.
6. The Sub Divisional officer, Jagdishpur, District Bhojpur.
7. The Deputy Superintendent of Police, Jagdishpur, District - Bhojpur.
8. The Circle officer, Bihiya, District - Bhojpur.
9. The Officer In-Charge of Police Station Bihiya, District - Bhojpur.
10. Anil Kumar Chaubey Son of Lalan Chaubey Resident of Village Judge Bazar, Near Petrol Pump, P.O. and P.S. - Bihiya, District - Bhojpur.
11. Shankar Keshari Son of Ramjee Keshari Resident of Village Judge Bajar, Near Pokhara, P.O. and P.S. Bihiya, District - Bhojpur.
12. Abhishek Pandey @ Guddu Pandey Son of Ramashish Pandey Village - Lauhar Farna, P.S. - Barahara, District - Bhojpur.
13. Raj Kumar Sinha Son of Trishuldhari Sinha Resident of Village - Buxar Golambar near Pani Tanki, P.S. - Buxar (Industrial Area), District - Buxar.
14. Kamal Verma Wife of Ravi Kant Verma Resident of Village - Raghunath Kunj, Budha Coloney, P.S. - Bhudha Colony, District - Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Anirudh Mishra, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad, SC-8

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 08-07-2022 Heard learned counsel for the petitioner. Mr. Sheo
Shankar Prasad, learned SC-8 appears for the State.

Petitioner, in the present case, is seeking a direction to
the respondent authorities to take appropriate legal action on the



basis of the representation dated 9th June, 2020 submitted by the petitioner before the respondent authorities. She is seeking security to maintain peace on the land of the petitioner and restrain the private respondent no. 10 to 14 against whom apprehension has been expressed that they may take forcible possession of the land from the petitioner.

On record, this court finds that admittedly a Title Suit No. 75/2018 is pending in the court of learned Sub-Judge, Jagdishpur (Bhojpur). From the representation enclosed with the writ application it further appears that a 145 Cr.P.C. proceeding is also pending. The petitioner has filed this writ application on an apprehension but has not taken any steps in the pending proceedings in accordance with law.

In the opinion of this court, this Writ Application is misdirected. This court sitting in its writ jurisdiction cannot assume the facts with regard to ownership and possession of the land in favour of either parties. The civil court is already in *seisin* of the matter and 145 Cr.P.C. proceeding is also pending, therefore, if so advised, the petitioner may seek her remedy before the competent court of law/authority.

As regards the prayer to provide security to maintain peace, this court believes that it is the bounden duty of the local



police to look into the law and order issues and take appropriate precautions and remedial measures to subvert any chance of any breach of peace in the area in question.

This application stands disposed of with the aforesaid observation.

Let a copy of this order be sent to the Superintendent of Police, Bhojpur at Ara for his knowledge with an expectation that he will ensure peace, safety and security in the area.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

