

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1799 of 2018

Arising Out of PS. Case No.-203 Year-2017 Thana- DHANAHA District- West Champaran

Sudhir Ranjan S/o Late Hardeo Prasad, R/o Madhubani, P.S.- Dhanha,
District- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar, through The Home Secretary, Government Of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, West Champaran.
4. The Superintendent of Police, West Champaran.
5. The Sub Divisional Officer, Bagaha, West Champaran.
6. The Circle Officer, Madhubani, West Champaran.
7. The Station Head Officer of Dhauha P.S., Dhauha, West Champaran.
8. The Investigating Officer of the Case, Dhauha, West Champaran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Kumar Shanu, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioner and Mr. Kumar Shanu, learned AC to AG for the State.

This writ application has been filed for a direction to the respondent authorities to protect the life and liberty of the petitioner by removing the persons who have unauthorizedly occupied the land of the petitioner under Mauza Taulaha, Thana No. 263, Khata No. 439, Khesra No. 2253 and 2529 measuring area 1 bigha, 13 katthas and 18 dhurs in Madhubani Block, West Champaran.

Learned counsel for the petitioner submits that on



perusal of the first information report giving rise to Dhanha P.S. Case No. 203 of 2017 dated 04.11.2017 under Sections 147, 327, 386 and 506 of the Indian Penal Code (Annexure '1'), it would appear that the petitioner had lodged a police case alleging that the named accused persons are demanding a sum of Rs. 10,00,000/- for allowing the petitioner to cultivate his own land. They are the persons who are involved in demand of rangdari. It is alleged that they have forcibly occupied the land in question on the strength of deadly weapons and have erected hut thereon.

Learned counsel submits that on the application of the petitioner, the Sub-Divisional Officer, Bagaha directed the Anchaladhikari, Madhubani to examine the grievance of the petitioner and take suitable action. The Anchaladhikari inspected the spot and submitted a report vide letter no. 1075 dated 01.12.2017 wherein he has stated that local line villagers have constructed hut on the land of the petitioner and in the light of the order received from the Collector, West Champaran, Betiah over telephone, for removal of the encroachment a date was fixed as 09.12.2017. For that purpose, the Circle Officer, Madhubani requisitioned ten sections of armed police force and two sections of women police force from the Officer In-charge



of Dhanaha Police Station in the district of West Champaran.

Learned counsel submits that from the materials available on the record, it is crystal clear that it is a case of unlawful and forceful taking over of possession of the property of the petitioner and in such circumstance, the State should come to his rescue as it is the duty of the State to protect the life and property of its citizen.

A counter affidavit has been filed on behalf of the State wherein the respondent nos. 4 and 5 have informed this Court that in between the parties, a title suit bearing no. 146 of 2017 is pending in the court of learned Sub-Judge -1st, Bagaha, West Champaran. It is further stated that as and when clear instructions would be received from the Circle Officer concerned for deputing force with necessary order, the same shall be provided. In view of the pending suit, it is stated that for now, it appears that the parties are litigating before the learned civil court and there is no latest requisition sought by the Circle Officer concerned.

At this stage, learned counsel for the petitioner has drawn the attention of this Court towards the ordersheets of the learned Sub-Judge court before whom Title Suit No. 146 of 2017 is pending. It is submitted that the title suit was though



filed on 04.12.2017 but the petitioner was not aware of the said suit as no notice was served upon him.

Be that as it may, in the facts and circumstances of the case, this Court is of the considered opinion that the materials in form of Annexure '2' and Annexure '3' to the writ application show prima-facie that it is a case of forceful dispossession of the petitioner but at the same time, it appears that a title suit is also pending. The stage of the title suit and whether any order of injunction has been passed in the said suit or not are not known either to learned counsel for the petitioner or to the State. The plaintiffs of the said suit are not made party respondents in the present writ application.

In these circumstances, this Court would restrain itself from passing any order which is likely to adversely affect the plaintiff of the suit. This will, however, not confer any benefit too.

The District Magistrate, West Champaran at Betiah (Respondent No. 3) is directed to examine the grievance of the petitioner and in case it is found that in title suit, there is no injunction order or any prohibitory order, the District Magistrate shall after giving an opportunity of hearing to the persons who have allegedly forcefully occupied the land of the petitioner,



will pass a suitable order within a period of three months and shall take a consequential action in accordance with law.

In case, any prohibitory order or an order affecting the right of the parties is passed by the learned court below, the petitioner would be obliged to obey the same and seek his remedy, if so aggrieved by the said order in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

lekhi/-

U		T	
---	--	---	--

