

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.189 of 2021

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

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Vindhyachal Singh, S/o Late Ambika Singh, R/o Village - Kajhwan, P.S. Obra, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Aurangabad, Bihar.
4. The Sub- Divisional officer, Daudnagar, Aurangabad. Bihar.
5. The officer -In-Charge, Obra Police Station , Aurangabad. Bihar
6. Ramanuj Kumar Singh S/o Vindhyachal Singh Joint Director cum Joint Secretary, Department of Rural Development, Government of Jharkhand, FFP Building Development, Government of Jharkhand, FFP Building, Dhurva, Ranchi, Jharkhand.
7. Sushma Devi W/o Ramanuj Kumar Singh Resident of Village - Kajhwan, P.S. Obra, District - Aurangabad, Present residential Address not known
8. Navin Nischal S/o Ramanuj Kumar Singh Permanent resident of R/O Village - kajhwan, P.S. - Obra, District - Aurangabad, Present residential Address not known.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Avanish Kumar Singh, Adv. Mr. Ambar Narayan, Adv.
For the State	:	Mr.Deepak Kumar, AC to GP-4
For the Res.No.6,7&8	:	Mr. Kumar Nikhil, Adv. Mr. Navneet Prabhakar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 30-08-2022 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent nos.6, 7 and 8.

Petitioner in this case is seeking the following reliefs:-

i) For directing the respondent No. 3 to provide



proper security to the petitioner so that he can till his agricultural land, which is the only source of his family's livelihood.

ii) For directing the respondent nos. 3 and 5 to take proper action against the private respondents 6 to 8, who have illegally, by use of force, usurped the agricultural land of the petitioner, have threatened the labourers working on the petitioner's agricultural farm of dire consequences in case they work on the land, and have thereby put the entire family of the petitioner to complete starvation and penury.

iii) For any other relief or reliefs to which the petitioner is entitled in law.

The petitioner and the respondent no.6 are the father and son respectively. From the statements made in the writ application it appears that the respondent no.6 is the eldest son of the petitioner. The petitioner has got four children. The respondent no.6 was born from the first wedlock between the petitioner and one Naibat Devi who died soon after her son's birth. The petitioner solemnized the second marriage from whom he has got three children, a son and two daughters.

It is admitted in the writ application that the petitioner has ancestral land of 12.05 bighas in village Kajhwan in the district of Aurangabad. He claims that he had arranged for



education of respondent no.6 by selling 1.25 bighas of land.

After hearing learned counsel for the parties, this Court finds that the dispute between the petitioner and the respondent no.7 is that for a share in the ancestral agricultural land. This Court has been told that the respondent no.6 has already filed a partition suit being Title Partition Suit No. 80 of 2022 presently pending in the court of learned Sub-Judge-VII at Aurangabad.

Learned counsel for the petitioner submits that the petitioner is always ready and willing to provide adequate share to respondent no.6 but it is the respondent no.6 who is always creating the trouble and he has not allowed the petitioner and his stepbrother to cultivate the agricultural land for the last four years. Learned counsel submits that in these circumstances the petitioner had moved before the Sub-Divisional Officer, Daudnagar and had prayed for proper security and a proceeding under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was initiated.

On the other hand, Mr. Deepak Kumar, learned AC to GP-4 submits that in this case pursuant to the last order of this Court the petitioner and the respondent nos.6 to 8 appeared in Janta Darbar at Obara police station on 06.08.2022. It is



submitted that in order to take care of the threat perception of the petitioner a proceeding under Section 107 Cr.P.C. has been initiated and in the said proceeding the Sub-Divisional Magistrate, Daudnagar had issued a warrant against respondent nos.6 and 8. On 06.08.2022 the warrant of arrest was executed when respondent nos.6 and 8 appeared in the Janta Darbar at Obera police station and they were produced before the Sub-Divisional Officer, Daudnagar and after completion of their appearance the warrant was recalled. It is further submitted that in the said Janta Darbar the parties have reached to an amicable settlement.

As regards the proceeding before the Sub-Divisional Officer, it is stated that after transfer of the Sub-Divisional Officer the records of the proceeding were misplaced, hence, no further action could be taken in the said matter. It is submitted that now the records have been reconstructed and the proceeding has been initiated.

Learned counsel for the respondent nos.6 to 8 submits that in fact in 107 Cr.P.C. proceeding the respondent nos.6 to 8 had appeared through vakalatnama but as it appears that the lawyers on their behalf did not put appearance, therefore warrant of arrest had been issued. It is submitted that on



06.08.2022 by putting undue pressure upon the respondent nos.6 to 8 a compromise was got executed whereunder they have been deprived of their right in respect of the ancestral properties. The said compromise has been recorded in complete disregard to the rights of the respondent nos.6 to 8 under the Hindu Law by which the parties are governed.

Having regard to the submissions and the materials available on the record, this Court finds that this case involves a pure and simple civil dispute between the parties where father and sons are fighting for their respective shares in the ancestral properties. The petitioner is ready to give due share to respondent nos.6 to 8 and respondent no.6 has filed a title partition suit. Under these circumstances, both of them may approach the competent court where the title suit is pending for an amicable settlement of the dispute.

This Court shall not go into the merit of the contentions of the parties save and except to say that if the parties approach the learned court below in the pending title partition suit and a compromise petition is filed therein, the same shall be recorded as expeditiously as possible and an appropriate order shall be made thereon.

In view of the order above and the stand of the



petitioner indicated above the police authorities shall not interfere in the matter unless it becomes a law and order issue.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

