

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14667 of 2022

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Chandradev Singh @ Chandradev Sharma son of Late Ram Kishun Singh @
Ram Kishun Sharma, Resident of Village-Sadaweh, P.O.-Sadawe, P.S.-Dulhin
Bazar, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Collector cum District Magistrate, Patna.
2. The Deputy Collector Land Reforms Paliganj, District-Patna.
3. The Sub-Divisional Magistrate, Paliganj, District-Patna.
4. The Circle Officer, Dulhin Bazar, Paliganj, District-Patna.
5. The S.H.O., P.S.-Dulhinbara, Paliganj, Patna.
6. Nitesh Sharm, S/o Umesh Singh, resident of Village-Sadaweh, P.O.-Sadawe,
P.S.-Dulhin Bazar, District-Patna.
7. Ramnasib Singh, S/o Late Bhajan Singh, resident of Village-Sadaweh, P.O.-
Sadawe, P.S.-Dulhin Bazar, District-Patna.
8. Lawlesh Singh, S/o Late Sheodhar Singh, resident of Village-Sadaweh, P.O.-
Sadawe, P.S.-Dulhin Bazar, District-Patna.
9. Mukesh Sharma, S/o Sri Ram Nasib Singh, resident of Village-Sadaweh,
P.O.-Sadawe, P.S.-Dulhin Bazar, District-Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Ramchandra Singh, Advocate
For the Respondents : Mr. Sajid Salim Khan (SC-25)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 23-11-2022

Heard the learned counsel for the parties.

The Assistant Sub-Inspector of Police, Dulhin Bazar,
Patna, Mr. Avalesh Kumar Yadav is present.

He has rendered unqualified apology. He submits that
whatever mistake has been committed because he could not
understand the order of the Hon'ble High Court which is in
English and he is not good in reading English. Any police

officer who doesn't understand the orders of the Hon'ble High Court which is in English is required to approach his superior officers who know English to understand the affect of the order of the Hon'ble High Court but just because they do not understand English will not give them an excuse for not obeying the orders of the Hon'ble High Court.

This has been regularly coming to the notice of this Court that most of the police officials working in the police stations on the rank of Assistant Sub-Inspector and Sub-Inspector who have reached that position through promotion do not have the knowledge of English, and it is because of lack of knowledge of English that they do not execute the orders of the Hon'ble High Court.

The D.G.P. Bihar, will pass a general direction to the different Superintendent of Police of the State that the Officer in charge of the police station will himself go through orders of the high court and see to it that they are not violated, because the ultimate responsibility is of the Superintendent of Police of the district and it cannot be ignored.

This Court has accepted the apology rendered by the police officer. His personal appearance is dispensed with for the present.

Mr. Arun Pandey appears for the respondent nos. 6 to 9 and he has filed his counter affidavit. Mr. Arun Pandey in the matter has advanced his argument on the dispute and has submitted that there is some title dispute between the parties and, therefore, this writ application be dismissed in view of the order of the Deputy Collector, Land Reform who has also held that the matter requires consideration by the Civil Court.

Though, this Court is in agreement with the submissions of the Mr. Arun Pandey, but respondent no. 6 is a criminal, accused in a case under Section 302 I.P.C. and he is trying to dispute a sale-deed, which was executed much before his birth.

Respondent nos. 6 to 9 can dispute the title of the petitioner but it can only be done in the Civil Court and they cannot take law into their own hands when the petitioner is ultimately having a sale-deed of 1921 and has taken possession of the land pursuant to the sale-deed.

This writ application is disposed of with an observation and direction that if the respondent nos. 6 to 9 want to dispute the title of the petitioner, they can move the Civil Court by filing a Title Suit and they can also pray for any interim order but they will not disturb the possession of the

petitioner without the sanction of law. They will not disturb either the petitioner or his family members in the peaceful enjoyment of the property.

If any Title Suit is filed by the respondent nos. 6 to 9 that shall be decided by the Court below expeditiously, if the plaintiffs cooperate.

By mere filing of the Title Suit, the respondent nos. 6 to 9 will have no reason to go to the disputed property under the possession of the petitioner.

The Police will act upon any complaint of violation of today's order by the petitioner.

With the aforesaid observations and directions, this application is disposed of.

If any suit or injunction petition is filed by the respondents, the Court below will proceed in the matter without being influenced by any observation in this case including any observation about the possession of the petitioner.

(Sandeep Kumar, J)

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