

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1130 of 2023

Arising Out of PS. Case No.-576 Year-2023 Thana- PHULWARISHARIF District- Patna

Reliance BP Mobility L.T.D through its Authorized Representative Mr. Sanjay K. Prasad @ Sanjay Prasad (State Sale Head), having its registered office at maker Chambers IV, third floor, 222, Nariman Point, P.S- Marine Drive, District- Mumbai, at present reliance corporate I.T. Park, B.D. Complex, Gola Road, P.S- Rupaspur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Department Government of Bihar, Patna
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Inspector General of Police, Central Range, Patna.
4. The Senior Superintendent of Police, Patna
5. The Dy. SP, Sadar, Patna.
6. The S.H.O, Phulwarisharif, Patna.
7. Rajni Sharma, W/O Rajesh Kumar Sharma, R/O Korma Kothi, New Pahadpur, P.S- Gardanibagh, District- Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Shivendra Kumar Sinha, Advocate Mr. Ranjeet Patel, Advocate Mr. Divit Vinod, Advocate
For the Respondents	:	Mr. Sheo Shankar Prasad, SC-8 Mr. Anil Kumar, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-11-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner in this case is seeking the following reliefs:-

“I. To issue mandamus against the respondents to investigate the Phulwarisharif police station case no. 576 of 2023 registered under sections 341, 447, 504, 506 and 34 of the Indian Penal Code on 15.04.2023 against



the respondent no. 8 and others and do the justice with the petitioner since police is sitting tight over and not investigating the case.

II. To further this petitioner pray issue direction as interim measure that during pendency of aforesaid investigation of the case direct the respondents to unlock the lease premises of this petitioner in presence of respondent no. 8 and allow him to take away his goods lying in lease premises (warehouse) which was locked by the respondent no. 8 forcibly for which aforesaid case has been lodged by the petitioner because lease is going to expire on 09.07.2023.

III. To further issue appropriate writ/writs, order/orders, direction/directions to the respondents as your Lordship may deem fit proper in the interest of justice.”

3. Learned counsel for the petitioner submits that the petitioner had taken the disputed premises on lease under a registered lease deed executed between the petitioner on the one hand and the husband of respondent no. 8, the mother-in-law of respondent no. 8 and one Rakesh Kumar Sharma on the other hand.

4. Admittedly, at this stage, the mother-in-law and another signatory Rakesh Kumar Sharma died and now the only signatory Mr. Rajesh Kumar Sharma is alive. It is alleged that



after death of Rakesh Kumar Sharma and Vimla Devi (mother-in-law), a family dispute has arisen. It is alleged that respondent no. 8 has committed mischief by locking the lease premises with an intention to grab the property.

5. Learned counsel for the State submits that so far as the police case is concerned, after completion of investigation, police has submitted a chargesheet and now the case is pending in the court of learned Jurisdictional Magistrate.

6. As regards the prayer of the petitioner to direct the respondents to unlock the lease premises in presence of respondent no. 8, learned counsel for the State submits that in the given facts and circumstances of the case where the dispute itself is with respect to a will and it involves the property in question, perhaps the remedy lies in the civil court of competent jurisdiction and no Mandamus may be issued by this Court in the nature of the private disputes.

7. Having regard to the facts and circumstances of the case, after going through the pleadings available on the record, this Court finds that admittedly the petitioner claims itself a lessee in the premises let out to the petitioner vide lease deed dated 28th August, 2020. One of the signatories to the lease deed is Rajesh Kumar Sharma is alive. The two other signatories



who were the brother and mother of said Rajesh Kumar Sharma are no more. The petitioner admits in its supplementary affidavit that there is a family dispute and because of the said dispute, the lease property in question has been locked by the wife of Rajesh Kumar Sharma.

8. In such circumstance, this Court is of the considered opinion that the dispute may be resolved only under the private law regime. This Court would not entertain a writ application in the nature of dispute as no Mandamus may be issued to the private respondent in the nature of the case.

9. This Court is, therefore, not entertaining the present writ application. It is being disposed of with liberty to the petitioner to apply for appropriate remedy which may be advised to the petitioner in accordance with law. If such remedy is applied for, the same will be considered by the competent court/forum on its own merit.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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