

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.976 of 2021**

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

RAMSAKAL RAM Son of Late Ramswarth Ram Resident of Village-  
Patsara, P.S. - Piyar (Hattha o.p.), District - Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY,  
REVENUE AND LAND REFORM DEPTT., BIHAR, PATNA Bihar
2. The Inspector General of Police, Tirhut Range, Muzaffarpur. Bihar
3. The District Magistrate, Muzaffarpur. Bihar
4. The Senior Superintendent of Police, Muzaffarpur. Bihar
5. The Sub - Divisional Magistrate, East, Muzaffarpur. Bihar
6. The Sub - Divisional Police officer, East, Muzaffarpur. Bihar
7. The Circle officer, Bandara, Muzaffarpur. Bihar
8. The officer - In - Charge, Hattha O.P., Muzaffarpur. Bihar
9. Ravindra Sahni Son of Raj Kumar Sahni Resident of Village- Patsara, P.S. -  
Piyar (Hattha o.p.), District - Muzaffarpur.
10. Binod Sahni son of Raj Kumar Sahni Resident of Village- Patsara, P.S. -  
Piyar (Hattha o.p.), District - Muzaffarpur.
11. Ajay Sahni Son of Bharat Sahni Resident of Village- Patsara, P.S. - Piyar  
(Hattha o.p.), District - Muzaffarpur.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar  
For the Respondent/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER/JUDGMENT**

**17-08-2023**

The present writ application has been filed for issuance of direction to the respondent no. 1 to 8 for providing protection of life and property to the petitioner and his family from Respondent no. 09 to 11 who are private individuals.

2. The factual matrix of the case in narrow compass is that the land in question having Mauza, Patsara, Thana No.



910, Khata No. 121, Plote No. 173, area 27 Decimal was settled in favour of the petitioner vide settlement Case No. 25 of 2003-04 by the Sub-Divisional Magistrate, East Muzaffarpur on 13.06.2004 (Annex-1). Thereafter the petitioner came in peaceful possession of the said land and Jamabandi No.356/289 was created and rent receipts were issued (Annex-2). Petitioner has also constructed his house over the said land.

3. Further the case of the petitioner is that in the year 2020, the Private respondent no. 09 to 11 who are said to be criminals and *dabangs* of the area started creating disturbance in the peaceful possession of the petitioner over the aforesaid settled land against which the petitioner lodged an FIR dated 04.05.2020 bearing Piyaar (Hattha) P.S. Case No. 81 of 2020 for the offences u/s 147, 149, 341, 323, 504, 506/379 IPC & Section 3(1)(r), (s) & Section 2 (va) of the SC/ST Act.

4. Thereafter petitioner submitted several applications before the various authorities. On 09.05.2020 the petitioner submitted an application before the Circle officer (Annex-3) for demarcation of the aforesaid land for redressal of the dispute with the private respondents. On 06.06.2020 the petitioner submitted an application to the Inspector General of



Police, Trihut Range, Muzaffarpur (Annex-4) for providing protection to his life and property. On 13.07.2020 & 14.07.2020, the petitioner made application before the District Magistrate, Muzaffarpur, Senior S.P. Muzaffarpur, Principal Secretary (Revenue & Land Reforms, Bihar, Patna) and to the Chairman of the BLT, Patna (Annex-5). The Senior SP directed the SHO, Hattha for an inquiry. After the inquiry, the SHO, Hattha submitted his report on 23.07.2020 stating that the dispute between the parties is due to the settlement of the land (Annex-6).

5. Again the private respondents started creating nuisance and forcibly tried to start construction work on the land in question to which the petitioner submitted an application for initiating a proceeding u/s 144 of the CrPC before the SDM, East Muzaffarpur. A report in this regard was submitted by the SHO, Hattha on 03.12.2020 in favour of the petitioner (Annex-8). Despite all these efforts by the petitioner, the private respondents did not appear in the 144 CrPC proceeding, on the contrary, they continued with the construction work and also threatened the petitioner of dire consequences. Ultimately on 05.12.2020, the petitioner submitted an application before the DM, Muzaffarpur for protection of his life and property *vide*



(Annex-9). the proceeding u/s 144 CrPC has been dropped *vide* order dated 06.02.2021 passed in Case no. M-2707 of 2020 by the SDM, East Muzaffarpur (Annex-10).

6. A counter affidavit in the matter has been filed by the respondent no.02 to 04 stating therein that upon perusal of the case diary and the supervision report of the Piyar (Hattha) P.S. Case No. 81 of 2020 registered by the petitioner against the private respondent No. 09 to 11, the dispute is found to be of civil nature and the investigating officer has submitted his Final Report *vide* Report no. 318 of 2020 dt. 31.10.2020.

7. Further, it has been stated that the concerned respondents have initiated a proceeding u/s 107 of the CrPC and also a proceeding u/s 188 of the CrPC has already been initiated against the named accused persons for violating the 144 proceeding.

8. Learned counsel for the petitioner argued that petitioner is the rightful owner of the land in question as the land was settled in his favour *vide* settlement Case No. 25 of 2003-04. He further submits that upon the direction of the Senior SP for inquiry, the SHO, Hattha submitted his report on 23.07.2020 stating that the land in dispute was settled in favour of the petitioner.



9. He further submits that the private respondents have violated the order passed in 144 proceeding and have threatened the petitioner of dire consequences if the land is not vacated. As such, the petitioner is entitled for protection of his life and property and also entitled for peaceful possession over the land in question.

10. On the other hand, learned Counsel for the State argued that it is out and out a civil dispute between the private parties. As such, this court may not enter into the *inter se* dispute between the two private parties under its writ Jurisdiction. He further pointed out that a proceeding under section 107 of the CrPC and also a proceeding u/s 188 of the CrPC has already been initiated against the named accused persons for violating the 144 CrPC order.

11. I have heard the learned counsel for the parties and gone through the material on record.

12. The dispute in the present case appears to be civil dispute inasmuch as the petitioner is claiming his rights through the settlement and allottee of the land in question. The Bihar Land Dispute Resolution Act (in short, 'the Act') has been brought in the State of Bihar to resolve the disputes, relating to record of rights, boundaries, entries in revenue records, lawful



occupation of the land and forcible dispossession of the allottees and settlees of public land, by the competent authority prescribed in the Act.

13. The preamble of the Act says that disputes with respect to *raiyati* land or public land allotted in favour of different classes of allottees are unnecessarily occupying major space of Civil Courts and Hon'ble High Court which should otherwise have been resolved by the Revenue Authorities, who is better equipped to deal with such disputes having regard to their continued presence in the field offices and their expertise in Revenue Administration.

14. Section 4 of the Act deals with the jurisdiction of competent authority to resolve the dispute. The competent authority shall have jurisdiction and authority in issues arising out of disputes regarding unauthorized and unlawful dispossession of any settlee or allottee from any land or part thereof, settled with or allotted to him under any Act contained in Schedule-1 to this Act. Restoration of possession of settled/ allotted land in favour of legally entitled settlee/allottee or his successors/heirs, upon adjudication of unauthorized and unlawful dispossession. Threatened dispossession of a legally entitled settlee/allottee can also be dealt with by the competent



authority under the Act.

15. Section 15 as well as Rule 30 of the Act deals with the execution of the order passed by the competent authority. As such, the Act is a complete code for resolution of the land dispute between the private parties. The petitioner being aware of the provisions of the Act at the first instance approached the Circle Officer for demarcation of the land in question and for resolution of the dispute but instead of pursuing his matter under the Act against dispossession or otherwise, he has filed the present writ application for protection of his life and property. Further, it is apparent from the counter-affidavit filed by the Respondent-State that a proceeding under Section 107 of the CrPC and also a proceeding under Section 188 of the CrPC have already been initiated against the accused persons for violating the 144 CrPC order.

16. It has become a general trend these days to invoke jurisdiction of criminal writ in land dispute when the parties have adequate remedy open to them under the Act or in Civil Suit.

17. In view of the aforesaid discussion on facts and laws, in my considered opinion, the present dispute is a dispute of civil nature between the parties. The petitioner in the garb of



threat to peaceful possession has sought relief for protection of his life and property which according to this Court is not entertainable in the facts and circumstances of the present case. Accordingly, the present writ application is hereby dismissed.

**(Anil Kumar Sinha, J)**

Md. Perwez Alam

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